

Mid-Currituck Bridge Public Comments

The Joint Legislative Transportation Oversight Committee

Dear Sirs:

I am a long time resident of Duck and would like to express my whole heated support to build the Mid-Currituck Bridge. The northern Outer Banks has grown tremendously in the last 20 years to the point that NC 12 is no longer able to carry the traffic during the tourist season as well as during emergencies. The traffic on weekends is carrying at least 70,000 people both north and south through Duck making NC 12 a virtual parking lot. Also during bad weather and emergencies this route becomes completely clogged.

I urge the committee to support the bridge and keep its funding in the budget so that we can finally have a more normal situation in our community.

Thank you for your consideration.

Chuck Burdick
148 Whistling Swan Dr.
Duck, NC 27949
252-261-7576

Good Morning,

My name is Jon Britt and I have lived in Duck for over 30 years and currently serve as a Member of the Duck Town Council, Captain on the Duck Fire Department and own Nor'Banks Sailing Center in Duck. I am contacting you to indicate my strong support for the Currituck County Bridge. The Town of Duck continues it's strong support of the bridge (as you will see from a new resolution that we passed last evening) for safety and traffic reasons. We recently did a survey to help us with our 10 Year Plan and Vision Statement as a community. The overwhelming number one concern from the over 500 responses that we got was regarding traffic and safety. The traffic caused by not having this bridge has caused us significant Public Safety concerns. We are forced to ask volunteers to staff our Fire Station on Saturday in order to hopefully speed up our response time if we have an incident. It is not a question of "if" this traffic will compromise our ability to respond and result in a less than desired outcome, it is "when". This traffic has also killed my business on Saturday due to the fact that anyone who is not traveling that day, does not go near the roads. I have also heard this from multiple other business owners in Town. In a short season, losing one day a week can be very painful. My family also owns rental property that we were basically forced to change our turnover day from Saturday to Sunday. We were losing rentals due to the traffic and actually had a significant increase in our rentals when we turned our homes on Sunday as people were doing anything to avoid the traffic. Families are deciding not to return to the Outer Banks (this effects all of the Outer Banks from Hatteras to Corolla as this is causing traffic problems well into lower Currituck). I have been told this from some of my customers over the last few years. Hurricane evacuation is a real concern!! Sections of NC12 in Duck are very susceptible to flooding and or washout during Hurricanes that pass to our West. This could cause Corolla to be essentially landlocked after even a minor event. Evacuation times must be lowered or we will get caught with more people than we can safely care for. An extended evacuation, also forces all of the volunteers for Public Safety to have significantly less time to do their jobs and secure their homes. I could go on and on, but will stop here. This has been a badly needed project for years and it seems absurd to not complete this project due to politics. Politicians jobs (and I am one) is to serve the wishes and needs of their constituents and this project is wished for by all of our stakeholders and is a recognized need by professionals in government,

public safety, tourism and traffic engineers. What more do you need to know? Thanks for your time and I plan on being in the audience tomorrow to witness correct and responsible decision making.

Jon

Here is a [link to a video](#) put together by Currituck County regarding the bridge.

Jon Britt
Nor'Banks Sailing
Distributor for Weta Trimarans
1310 Duck Road
Duck, North Carolina 27949
252-202-6880
252-715-1517 fax
www.norbanks.com

As Dare County, Southern Shores residents we are expressing our OPPOSITION TO THE MID COUNTY BRIDGE.

The funding for the bridge places too great a burden on the state and users of the bridge.

George & Eileen Persico
281 Duck Rd
Southern Shores, NC 27949

Honorable Members of the Joint Legislative Transportation Oversight Committee:

I would like to thank you for giving us the opportunity to comment on the Mid-Currituck Bridge project. Only one word is necessary to describe this mega project, that would saddle the state with a debt of \$28 million per year for 30 to 50 years, and that word is polluted.

This summer, as you all are painfully aware, Senator White and the Governor's Office fraudulently used the Honorable Jim Trogen's electronic signature on a document to lie to State Lawmakers and the public in a last minute attempt to secure funding for this project. If that wasn't bad enough, in an article in a local newspaper, Senator White described the state probe into the fraudulent DOT letter as simply "political fodder". I can't tell you how disturbing that comment is. Are we to believe that fraud is commonplace and brushed off as political gamesmanship? I sincerely hope not. His remarks exemplify that some of our State Lawmakers and Governor falsely believe that they are above the law. Hasn't this great state of North Carolina had enough political corruption splashed across the news?

The fraudulent DOT letters are just that, fraudulent, making it a crime that demands investigation. Not a mistake, error, or "political fodder". If this was a game, Senator White, you attempted to cheat the state and its citizens, game over.

We are tired of the state funding these pork barrel mega projects put into Statute by former high powered leaders, which serve the interests of real estate developers, local politicians, and their families. If it were not for this vast political influence, this project would now be a distant memory.

A recent history of funding for this project in the General Statues is as follows:

The 2010 House version of the budget removed the gap funding for the bridge, only to be put back and have the gap funds increased by an additional \$13 million/year to \$28 million/year for 50 years by the then Senate Pro Tempore Mark Basnight whose district included the area of the proposed bridge. The increase was "needed" because the Turnpike Authority has been unsuccessful in multiple attempts to obtain a Federal T.I.F.I.A. loan. In March 2010 David Joyner of the Turnpike Authority stated that without T.I.F.I.A. this project could not be built.

The 2011 budget had removed the Mid-Currituck Bridge project from statute and removed all gap funds just prior to the adopted budget, and the 2012 budget has removed gap funding for 2011 and 2012. Our local politicians have heavily lobbied to tell you that the bridge is "needed" for economic development of the Currituck OBX. That is the same song and dance that was used in the 1980's when the bridge was first discussed. They claimed then, as they are now, that the Currituck OBX could not be developed without the bridge. Today, Corolla is more than 70% built out so, their excuse accompanied by a high priced video, falls flat.

If our local and state leaders sincerely wish to address the traffic problems experienced during the summer tourist season, then expedite funding the existing STIP #4457 which converts the antiquated US158/ RT 12 intersection (requiring stoppage of all traffic driving north and south on US158 bypass), to an interchange design. That project will cost the state \$19 million, ROW is slated for 2015 and construction in 2018. That change alone will do more with less than 1 year of "gap" appropriations needed for the bridge.

Please finally put an end to this wish list mega project that the state simply cannot afford and focus our limited transportation funds on truly needed projects.

Thank You All For Your Time and Consideration,

Jennifer Symonds
110 Windy Hill Court
Aydlett, N.C. 27916

Thirty years ago, we built our home on Ocean Boulevard in Southern Shores. It is no exaggeration to say that nearly every vehicle that travels to Duck and Corolla passes in front of our house. Over the years, the volume of traffic has grown significantly due to the rapid and intensive development of the northern Outer Banks. Facilitating this development was a series of decisions by NCDOT to extend Hwy 12 through:

(1) Duck; (2) the Sanderling community; (3) Pine Island and the Audubon preserve; and finally, Corolla. Each stage in the process produced more and more traffic, not only due to the influx of ever-increasing numbers of tourists, but also due to the steady flow of vehicles carrying building materials and workers involved in the construction of thousands of rental homes and commercial buildings. My family has observed this very directly, but our community as a whole has experienced a continuing impact due to the funneling of traffic to the Currituck Outer Banks through the Dare County communities of Southern Shores and Duck.

The effect of through traffic is not only on the quality of life in these communities. The risk to public safety, definitely during hurricane evacuations, but also for sick and injured residents and vacationers who must be transported around and through heavy traffic to medical facilities in Dare County, was recognized long ago. Yet, a response to this situation has not been forthcoming from state officials who failed to recognize the impact of extending Hwy 12 to Corolla.

Further delay in building the Mid-Currituck bridge and alleviating this problem is incomprehensible given the history of delays and postponements that have impeded this project. We urge you to break this logjam and bring relief to our community.

Charles Usher
Southern Shores

Good Evening,

My wife and I are adamantly opposed to the Mid-Currituck County Bridge Project. It is a total waste of money. If completed it will destroy what so many love about Corolla and Carova. It will bring more crime and undesirables to our area. So many other projects need immediate attention in the State ... this is not one of them.

Thank you,

John and Rossanna Winn
759 Fishermans Court
Corolla, NC 27927

I am a full time resident of Corolla, NC.

I understand there is a hearing on the bridge Friday and you are open to public comment.

I would like to state the fact that I am against the bridge for a number of reasons, not the least of which is \$28 million a year for 30 years or \$840 million all total, in other words very close to \$1 Billion dollars. A very large sum of money at this time when responsible governments should be doing all they can do to trim their budgets. In comparison the \$10 million it would cost to cancel the deal is small change. Second, The bridge is being sold as needed for evacuation purposes. In this day and age this is just not true. We get plenty of time to evacuate the whole outer banks with time to spare, as a matter of fact we get to watch the storms form and progress on the internet for days. Third, this project will drastically change Corolla from a secluded beach resort to a heavily traveled beach which we are not prepared to handle. The problems of traffic in the upper beaches past the end of the paved road could ruin the ecology of the whole area. It is already becoming a serious problem.

I do hope you keep these remarks in mind as you consider what to do.

Thank you

Polly Gaver Tucker
1152 Dunton Drive
Corolla, NC 27927
252-453-9199

I am writing to express support for the construction of the Mid-Currituck Bridge for the following reasons.

If some of the argument against building the bridge is due to the per capita gain of having it built, then you are hanging rural communities out on a nail to dry up. In addition, are the millions of vacationers on these roads being considered in the actual population using the roads?

I travel from Grandy to Corolla for 3 days a week of work only because my employer pays mileage for me to get there. Otherwise the travel would cost the salary.

I have not observed the congestion backed up to Grandy as has happened in past years due to the better rotating vacation rental schedules. But the back up is still there. Perhaps the back up in traffic is only 2 hours when traveling to Corolla, instead of 4-5 hours on Saturday afternoon.

However, there was new stand still congestion traffic this year that has perplexed me. This occurred for approximately 15 miles through Southern Shores, Duck, Pine Island on Friday, Saturday and Sunday in early morning to early afternoon hours going *toward* Corolla. Other days could have been the same that I didn't travel since it does not make sense that this flow of traffic at this hour is all incoming guests. This is the opposite flow of traffic of the outcoming tourist congestion leaving the beach in the morning hours. This definitely affected my ability to get to my work when in prior years I was not sitting still in traffic when traveling against the flow of the incoming or outgoing guests.

This route of travel is the most defensive driving that I do anywhere, even when the traffic is not congested, due the many pedestrian dangers. The pedestrian dangers is another letter.

Thank you
Linda Buff
Grandy, NC

Senators and
Representatives,

October 3, 2012

I'm back again. I'm writing these comments on the notion that someone with some good honest common sense will listen and put forth some type of effort to finally put to rest the idea that this Mid-Currituck Bridge Project is good for this great state of ours. I can't help but wonder if this project ever leaves the ground that myself and the next 2 generations of my own family will be paying for it. "GAP" funding at the tune of \$28m a year for the next 40 years.....you have to be kidding me. They say it will cost the state \$10m to back away from this project. What's the old saying... "Do the Math"!!!! I say that is a deal..... considering paying "GAP" funding for the next 40 years for a project that benefits a few approximately 12 weeks out of the year (June, July & August). The Currituck Outer Banks (Corolla, Corova) in the winter time is a ghost town. We're not talking about a massive amount of jobs that this bridge would support or create. And the jobs it would support are primarily service jobs in the summer. I cannot fathom the thought that my kids and my kids kids will be paying for a "Bridge to No Where". And that is exactly what is being proposed here if these local representatives of ours in Currituck and the surrounding counties get their way.

Rep. Bill Owens recently made a comment in an article about the bridge (Governor Hopefuls Differ on the Bridge by Cindy Beamon Daily Advance 9-13-12) that the General Assembly will find it difficult to undo legislation that already promises state funds for the project. He also went on to say it takes both the House and Senate to take it out. I say Rep. Owens is wrong!! I believe someone in the House and Senate will stand up and say he is wrong with me. Let's not forget the letters each of you received this past June that misrepresented DOT's position on funding needs for the Bridge and Gastonia Projects. It just goes to show how bold these people get when they want something. What ever happened to Ethics!! I certainly live by them and I would certainly think my government representatives would to. It just goes to show what lengths these people will go to to get what they WANT!!! I don't know about you... but something smells!!!! The good old days when Senator Basnight and his followers got everything and anything they wanted for this area are over. This was the last big project he wanted and has now been inherited by Sen.

Stan White and Rep. Bill Owens along with their political allies and I say it's time to.... "Just Say NO!!!!!!"
You're not going to get what you want this time!!!

This kind of spending on these kinds of projects has got to stop. We have roads and bridges that already exist in this state that are in critical need of repair. Education in this state is a huge challenge for all of us also. I'm sure each and everyone of you and your peers have projects or ideas in your own areas that are worthy and you would like to see funded also. It's high time someone stands up to these people and challenge what they want. There is a difference between what we want and what we need. I'm one man and one voice. I certainly hope and trust each of you can find a way to get the money where it needs to be besides this project.

I understand that a luncheon was held this week in the Currituck Outer Banks and that some of you were invited. The "DOT Needs" of the Currituck Outer Banks was the theme. I believe some of the county commissioners and other proponents of the Bridge were on hand to show you around the area. I'll be very short with my comments about this luncheon and all I can say is each of you is smart enough to form an opinion on what these people want and what they need in this area. This area is rich in natural beauty and it is truly a gem for the state of North Carolina. Let's not ruin that beauty by building something that will only benefit a few. The infrastructure on the Currituck Outer Banks can barely handle what is driving on the roads there today let alone what the bridge would bring to the area. These people need to focus on the current infrastructure already in place before wasting monies on a Bridge that will only compound the problems they already have in the area. Not to mention the environment issues involved with this project.

I applaud each and everyone of you for questioning the motives of the proponents of the Bridge Project. You will have a meeting this Friday with Mr. Joyner and the DOT. I'm confident that you will ask the right questions and put an end to this Project for good. You and your peers are our voice and the only thing that stands in the way of this Project becoming reality. I support what you are doing and if there is anything I can help you with on this end please feel free to contact me.

Respectfully,

Mike Barclay and Family
110 Lighthouse View
POB 106
Aydlett, NC 27916

October 3, 2012

The Honorable Senator Stan White
Joint Legislative Transportation Oversight Committee
NC Senate
16 W. Jones Street, Room 1028
Raleigh, NC 27601-2808

Re: Mid-Currituck Sound Bridge

Dear Senator White:

I am a North Carolina resident who owns property on the Outer Banks and in the greater Raleigh area. I am writing this to voice my support of the mid-Currituck Bridge and to express the points below that I believe are important in supporting funding this critical piece of infrastructure for North Carolina:

- The Outer Banks represent a significant asset, bringing jobs and tourist dollars into the State of North Carolina. One of the great attractions of the towns on the Outer Banks is their small town, family environment. There has been a growing impact of traffic on the towns of Duck and Southern Shores with the growing attraction of the northern end of the Outer Banks. Vacationers from anywhere north of North Carolina who visit the northern end of the Outer Banks must now come all the way down US route 158, cross on the Wright Memorial Bridge and then travel back north on route 12 all the way up to Corolla. The reverse of this is true when leaving the Outer Banks. This puts a huge burden on the road systems in Duck and Southern Shores and impacts the small town atmosphere that people come from all over to enjoy.
- The additional traffic coming down 158 and then back up 12 to Corolla also impacts all the traffic coming from the north and wanting to get to Kitty Hawk, Nag Head and all towns to the south increasing the travel time for those locations.
- The additional miles driven by vacationers makes the trip more expensive and time consuming. Vacationers could become frustrated with the traffic jams and inability to get around easily on turn-over days (days vacationers are checking in and out of their rentals) and find other places to take their vacation dollars. This would have a very negative impact on The State and would jeopardize an important revenue and tax source for The State.
- The additional miles driven by vacationers add to the amount of pollution being put into the atmosphere endangering the natural beauty of the Outer Banks.
- The most significant issue is the risk associated with the limited points vacationers to the Outer Banks have for evacuating from the island when there is a weather emergency. There has been tremendous expansion in the number of homes built on the northern end of the Outer Banks at the end of the 20th Century and the beginning of the 21st Century. With the increased number of vacationers visiting the Outer Banks, between June and the end of September – prime hurricane season, there is a significant risk that there would not be adequate evacuation paths off the Outer Banks and The State would be responsible for not providing sufficient means for families to evacuate in a significant weather event.
- From a safety (evacuation routes) and economical perspective the bridge stands on its own merits and construction should be expedited to relieve traffic congestion on NC 158 and NC 12.

I also strongly urge you to support the funding necessary to have this important project become a reality.

Thank you for your time and consideration.

Respectively Yours,
Joe Perszyk
3800 Grandbridge Dr.
Apex, NC 27539

I do not understand why something so important to the region is being put on the back burner. My family visited OBX for years and finally four years ago my daughter and her husband bought there, knowing that the bridge was eminent. We all visit and love the area. The fact that they bought there and we still go there, even though its inconvenient to go way down and then way up. I hope you reconsider the bridge. Thank you. Mary Pat Valarik

Thanks Stan! I'm depending on you to do what you need to do to make this happen. All of us out here in OBX are depending on you.

Dave Conlon

Corolla

Please support the bridge. It would make a huge difference as an evacuation route for the northern Outer Banks. It would serve as a critical resource.

Nicki Johnson
Duck Resident

Good Morning,

For reasons of public safety, lifestyle (less congestion), and economic development, I urge you to support the bridge funding. Although my wife and I currently live in Norfolk, she grew up in Currituck on property that has been in her family since 1714, and still is.

Thank you for the opportunity to comment. Jim Owens

Chairs and Co-Chairs

I plan to attend the hearing Friday as a representative of the Portside Property Owners Assn., Duck, NC.. At a meeting this past Saturday our members were greatly concerned to learn of the deterioration in prospects for 2014 start for the Mid-Currituck Bridge project.

While there are a number of reasons why this project should proceed as scheduled, my personal concern is that of highway safety, especially during mandatory hurricane evacuations. Lack of this bridge is a disaster waiting to happen. Corolla has continued to grow every year in the last decade. The 16,000 Vehicle Per Day figure quoted in today's News & Observer is an average annual daily count. The number of vehicles that could be trapped in Southern Shores, Duck and Corolla would be vastly greater any year now if a fast moving hurricane comes in during peak season in late summer and early fall. I repeat: A Disaster Waiting to Happen.

I was Director, Governor's Highway Safety Program during the Hunt 3-4 administrations. I authorized a number of projects in Dare County during that period funding additional highway safety equipment to law enforcement because of the high traffic volumes during the tourist season. These have only increased during the decade since I left GHSP, especially on two lane NC 12 from Southern Shores north.

I witnessed the traffic jams and delays during a mandatory hurricane evacuation several years back. As a property owner I was not required to leave on day one of the evacuation. From early morning to late evening I witnessed the bumper to bumper traffic crawling past Portside, just north of the Fire Station in Duck. The movement was so slow that a single vehicle playing music with windows down could be heard for ten minutes.

There was a quote in the N&O article to the effect that "the Currituck project smells of cronyism." I beg to disagree. It smells to me more like pay back to two members no longer in the legislature, Sen. Mark Basnight and Rep. Bill Owens, who were responding to a bona fide need in their districts.

For a final time I repeat, lack of this bridge as of today is a disaster waiting to happen. I am writing in advance of the Joint Legislative Transportation Oversight Committee meeting scheduled for Friday, October 5, 2012, to express my enthusiastic support for the proposed Mid-Currituck Bridge.

As a recently retired home owner in Corolla, I have experienced first hand the traffic congestion that now exists from June through mid September with only one bridge available to access the properties from Southern Shores all the way to Carova. On any weekend day the trip from the turn onto NC 12 in Southern Shores to my home in Corolla, a distance of 15 miles, can take nearly two hours. Because of drainage issues in Sanderling and south of Duck, A similar degree of congestion occurs on any day during the summer months when we experience heavy rain storms, a frequent occurrence. In addition, the tie up during emergency evacuations (I have been through two of them in recent years) makes it very clear that thousands of people are at risk if that area was in fact hit by a major hurricane. When Currituck County mandated an evacuation of the Outerbanks part of the county in 2010, it took friends who were staying with me 8 hours to get off the Island. I share these incidents because I think it is important that those of you deciding the future of this bridge would benefit from an understanding of just how desperately it is needed.

These traffic issues have caused me to seriously question whether I should become a permanent resident of the county, as access to emergency health services during the congested periods is almost impossible. Fire engines and ambulances have to travel the same road and it is simply impossible to get through. I also increasingly question whether this area of the Outerbanks will continue to draw the substantial tourist dollars we now do during the summer given what a nightmare traveling NC 12 has become.

I hope you will take these comments into account as you make your decisions. Thank you very much for taking the time to consider the points in this message.

Sincerely,

Marjory E. Searing
728 Dottie's Walk
Corolla, NC 27927

This bridge is long overdue for four reasons:

1. Safety and human life: The Northern OBX is living on borrowed time. When a major fast moving and deadly hurricane hits miles of stalled cars attempting to reach safety using the only exit available the consequences will be catastrophic. When this happens with the attendant loss of life, everyone will ask, how did this happen. What was the evacuation plan and why weren't the experts listened to who said you simply cannot move the volume of people and vehicles that an emergency evacuation requires across one bridge.
2. The rapid and continuing development of the Northern OBX has brought the two lane, 20 mile road from Corolla Light to the Wright Memorial Bridge to its knees. The 20 mile back up that was formerly confined to the three summer months is now occurring in the spring and fall. Without a mid-country bridge at the approximate half way point there will soon be no other option than to widen Rt. 12. If those that oppose the bridge for environmental reasons thought about the alternative of the environmental impact of a 4 or 5 lane Rt. 12 right down the spine of the Northern OBXs would mean, they might realize that the mid-county bridge was the less of two evils.
3. The traffic and congestion all along Rt. 12 during what has now become a five month summer season is making the vacation experience so unpleasant that people who used to vacation there are now going elsewhere. Many people I know who love the OBX are saying they are not going back there because the traffic is a mess.
4. Public financing will be minimal. Toll revenue should be able to cover operation and maintenance once it begins to flow in earnest.

James F. Lawrence
Director Office of Weapons Removal and Abatement
Room 6100 SA-3
U.S. Department of State
Washington, D.C. 20522

Ladies and Gentlemen,

I have been vacationing at the Outer Banks since the 1950s. We traditionally rented homes in the Kitty Hawke or Kill Devil Hills area. As you can imagine I have seen many changes over the years with the increase in traffic volume being the most dramatic. We purchased a lot in the Corolla area in 1989 and built a home in 1996 which we rent out. This summer I made a trip down on a Sunday afternoon in late July and I was astounded by the traffic. It took me an hour and a half to get from Southern Shores to the Food Lion Shopping Center in Corolla. This was not even the heaviest turn over day which is Saturday. There were no accidents just traffic. I somewhat expected a delay but this was really excessive. I cannot imagine what out paying guests think of the situation! To have to conduct an emergency evacuation under these conditions due to a hurricane would be catastrophic. The bridge is the only feasible solution to this problem. It has been under discussion and study for over 20 years. There is no more discussion needed and any call for more study are just delaying tactics and are not genuine. The public knows this. As I understand it the State is proposing to fund a portion of the project with the remaining funds coming from private sources which will be repaid by the imposition of tolls. This seems extraordinary fair to me. If someone wants to use the bridge then they pay the toll or a user fee.

The traffic is both a public safety issue and an economic one. I support it and hope that the Legislature will pass the appropriate legislation and get the construction underway.

Thank you for the opportunity to comment.

Sincerely,

Charles W. Walker
874 Crown Point Circle
Corolla NC

Honorable Members of the Joint Legislative Transportation Oversight Committee,

As a very concerned taxpayer of North Carolina and resident of Currituck County, I would like to voice a few thoughts on the proposed mid Currituck bridge project. First, I oppose any further funding for this project. I would like to add my voice to the opposition of the "gap" funding for the Mid-Currituck Bridge. The gap funding for the project was removed for the years 2009-2010 and 2010-2011 to the tune of \$30 million and reprogrammed for replacement school buses. Beginning 2014 the "gap" funding will increase to \$28 million per year for 50+ years to support this ill conceived project that will charge tolls upwards of \$28 per crossing! Second, I was appalled and highly embarrassed as a North Carolinian at the fraudulent letters that came from our GOVERNOR'S office, aimed at a last ditch effort to secure funding for this ill-advised (on all fronts-financial, environmental, and local) project. By contrast, the wise and sensible approach by the JLTOC towards future road and bridge projects, and exposing and removing political 'crony-ism' from such projects is to be highly commended.

Sincerely,

Roxy Darling

Members of the Joint Legislative Transportation Oversight Committee:

Thank you for the opportunity to place these comments in the record of your October 5 Hearing.

My name is John Grattan and I am a resident of Corolla North Carolina.

There are countless reasons to oppose further State funding for the proposed Mid Currituck Bridge, including the legal inadequacy of the Final Environmental Impact statement which fails to address the indirect and cumulative impacts of the Bridge in an honest manner.

Today, however, I wish to note that it is a terrible waste of over \$25 Million Dollars of tax payer money a year for the life of the project. The estimated capital cost of the bridge is over \$660,000,000 and counting. This buys congestion relief for a total of 26 days per year. Expenditures of this magnitude for so little return beggar the imagination.

The annual state funding is to make up costs and expected profits to the private developer that tolls will not cover. This is not a public-private partnership. This is a taxpayer subsidy to a private party.

There are worthy transportation projects throughout the State that could use the annual subsidy that would be allocated to this boondogle project--a bridge to a Barrier Island?

I trust the Joint Legislative Transportation Oversight Committee will consider these and other issues and do right by the taxpayer of North Carolina.

John Grattan
740 Mariner Drive
Corolla, NC 27927

I feel that construction of this bridge is critical to Dare & Currituck Counties. Please support this important project.

Tim Mckeithan
140 Mallard Court
Duck, NC 27949

It is critical that you support this Bridge as it is needed for safety and for economic reasons.

Arthur Hogan

Dear Sir:

As a resident of Corolla, I question whether sound rationale was applied to the decision to construct this bridge. The value of this endeavour is extremely minimal and not based on sound economic values. The usefulness of the bridge is limited to a few weekends during the summer vacation period. During the

week and the nontourist season, the usage would be practical non-existent. It does not address the traffic on NC 12 through Duck and Southern Shores nor the traffic on 168/158. The majority of people visiting the northern Outer Banks are headed to Kitty Hawk and south.

Hurricane evacuations are not a valid reason for the existence of the bridge. With ample forecast and tracking, there is ample time to evacuate the Banks.

Currituck County and the developers are wanting the bridge to increase home construction and thereby the occupancy tax. If the decision makers on this issue were to visit Corolla during a summer weekday, they would witness heavy traffic on its two lane road. The bridge does not address the weekday traffic.

I would find a better recipient for these funds or not spend it at all. The \$10 million penalty is just a drop in the bucket compared to the costs of proceeding.

Ray McGlynn

Please support the Mid-Currituck bridge project!

I enthusiastically support the Final EIS determination of Corridor MCB4/C1 (the northern corridor) with Option A (a second bridge across Maple Swamp) as the preferred alternative for construction of the Mid-Currituck Bridge. This preferred alternative takes into account cost and design considerations, travel benefits, community and natural resource impacts, comments and suggestions from environmental regulatory and resource agencies, and public input. The Mid-Currituck Bridge will improve mobility and road capacity within the project study area by providing an alternative route to and from the Currituck County Outer Banks.

Gerald Blackie

Please continue forward progress on the Mid-county bridge. It is the future of the Outer Banks and its residents that this project goes forward. Is the bodies that govern this decision have to see an actual disaster before they let go of the reins to move forward.

This bridge will profit all.....residents, property owners and visitors. This is a much needed project. When I first moved here 24 years ago they talked of the bridge...1/4 of a century has gone by and still dragging feet on this project. Haven't we waited long enough. The people beg you to move forward. Don't let this opportunity for this bridge to be built slip through our hands again.

PLEASE BUILD THIS BRIDGE!

Linda J Pasqua
Lower Currituck County Resident/Property Owner/Business Owner
101 Waterside Drive
Harbinger, NC 27941
252-491-9946

Currituck County rubber-stamped approval for thousands of huge vacation homes, never giving a second thought to how they could get 200,000 plus visitors in and out of those houses every weekend. They have had 10 years to reap hundreds of millions in taxes and fees off those homes, but have still done nothing to solve the problems they caused.

Currituck County, and those homeowners, should have to foot the bill for this travesty. Their greed caused the problem, now, it should be time for them to invest in their future greed.

Crash Briggs

Please proceed with the building of the Mid-Currituck Bridge.

Reasons: Boils down to two things in my opinion.

1. Cost....simply make the people that use it pay for the bulk of it. Surely it is no different than the zillions of other Bridges and bypasses built all over the state that could never be justified from a cost perspective.

2. Emergency. At some point, there will be a need for evacuation related to a Hurricane or something and ANY cost now will be offset by the opportunity to potentially save many many lives both in the Currituck Outer Banks and Dare County Outer Banks. All those people coming from Currituck in an emergency situation is going to also play havoc on those trying to leave Dare County Outer Banks. and local, regional and state policy makers are going to be sorry for no action being taken in my opinion.

Thank you.

Chris Jones

Please vote no to building the new bridge, I am a full time residence, my address is 149 Poteskeet Loop Southern Shores . I am willing to put up with 12 or 13 busy weekends a years to save the state from making a big mistake, down the road the state will have to raise taxes to help pay for this bridge. Again I ask you to vote this down. Thank you, R J Hausler

Dear Sir/Madam,

I am writing to show my support of the mid currituck bridge project. My ancestry dates from the early 1600's in what is now northeastern North Carolina. I hope that gives my voice some meaning in my support of this project. I believe the new bridge would be an asset for North Carolina in these hard economic times. While those in Washington think we should send money overseas to rebuild communities and fight wars I would like to see us take care of ourselves. I believe the bridge will pay for itself in the long run by bringing even more tourist dollars to North Carolina and it's people. Thank you for your considerations.

Rick Sumner
1231 Waterlily Rd
Coinjock, NC 27923

We are Southern Shores residents and do not support the bridge.

It is only useful for reducing traffic for a handful of weekends throughout the year.
It just seems like a poor use of state resources for a project that will have such a minor impact on traffic.

Sincerely,

Matthew J McKenna, MD
Patricia R McKenna

September 30, 2012

Dear Members of the Joint Legislative Transportation Oversight Committee:

We are very concerned about the construction of the Mid-Currituck Bridge. Tourism for the Outer Banks counties, particularly Dare and Currituck Counties has an economic impact on the entire community and State. There are over 12,000 jobs paying almost \$200 million in salaries and almost \$96 million in State and local taxes. Tourism throughout North Carolina is very important. Visitors spend more than \$1 billion dollars.

Building the Mid- Currituck bridge is central to expanding the regional economy. Over 75% of Outer Banks visitors arrive via I 64 and Hampton Roads. Most visitors arrive Friday-Sunday as these are check-in days for the rental industry. Weekend congestion causes backups of over 2 hours. (Last summer we spent over two hours just getting from the Wright Memorial Bridge to Duck – normally a 15 minute trip.) These inconveniences are frustrating for visitors, residents, and often dangerous for first responders. Potential visitors are limiting their trips to the Outer Banks due to the traffic – going to sites with less traffic.

Construction of the Mid-Currituck Bridge will immediately help the area by creating jobs. Building the bridge will immediately relieve congestion. Hurricane evacuation without the bridge would greatly threaten many lives at best. This is a great concern.

This project has been in planning for many years. Please do not delay it any more. The citizens of Dare and Currituck Counties are counting on you to support construction of this bridge- NOW!.
Thank you for your support.

Sincerely,

Nancy & Richard Cecil
139 Quarterdeck Dr.
Duck, N.C. 27949

Joint Oversight Committee Members,

My name is Linda Long-Barker and I live in Southern Shores at 23 13th Avenue. As a long time resident of the Outer Banks, I am in favor of building the Mid Currituck Bridge.

My primary concern for building the bridge is for evacuation of the Outer Banks in case of a hurricane. This route would greatly assist people because of the huge traffic congestion that an evacuation order creates. My second concern is to reduce the huge flow of traffic on Friday, Saturday, and Sunday during the vacation season. It would help eliminated gridlock on Route 12 if the bridge were constructed.

Thank you for supporting this construction for the Outer Banks.

Respectfully,

Linda Long-Barker

Dear Mr. Kolt Ulm:

I am writing to the Joint Legislative Transportation Oversight Committee and key legislators to express my continued support for the construction of the Mid-Currituck Bridge.

As a homeowner and future permanent resident on the Currituck Outer Banks, the bridge would dramatically improve our safety in storm evacuations and significantly reduce our commute time (and gas consumption) to and from the Norfolk area.

The Currituck Club community where our home is located is only about 50% built out, and we believe with the completion of the bridge will attract permanent residents who can work in and commute to the Norfolk area.

Thank you for the opportunity to comment.

Sincerely,
Robert Euler
790 Hunt Club Dr
Corolla, NC 27927-9575

Joint Oversight Committee members,

Hello, my name is Donald B Barker of 23 13th Avenue, Southern Shores, North Carolina 27949-3209. I am a long time resident of the Outer Banks. I have been and continue to be in favor of construction of the Mid-Currituck bridge between Corolla and the mainland up around Coinjock.

The Mid-Currituck bride would relieve serious traffic congestion between Kitty Hawk and Corolla every Friday, Saturday and Sunday, between May thru September. In addition, a Mid-Currituck bridge would greatly assist the evacuation of the Outer Banks in case of a hurricane or other natural disaster.

If you have additional questions, please email this address or call me at 252-489-9389. Thank you for your time and consideration.

Best Regards,

Donald B Barker

I'm writing this letter regarding the proposed Mid-Currituck Bridge in Currituck County. I own property in Dare and Currituck County and it is critical for this project come to fruition. It will not only help the traffic situation in both counties but will help our weekend business tremendously. The traffic congestion will ultimately destroy our tourist industry because of the adverse publicity that we receive because of it. The new bridge will eliminate the congestion as we know it and be critical in case of emergencies and hurricane evacuations to help our residents and guests seek safety and shelter. I would urge you to help us with this important matter. We generate many taxes from our tourist industry that benefits the local and state economy. Your kind attention to this matter would be greatly appreciated.

Sincerely,

Jim Braithwaite

Gentlemen:

As a homeowner in Duck, North Carolina, I am writing to express my support of the construction of the Mid-Currituck bridge. I am sure that you are aware of the congested traffic on Route 12 on weekends and it is my view that construction of the bridge will bring new economic opportunities to the area as well as reduce the traffic bottlenecks..

thank you for your consideration.

Sincerely,

Ann Terry Pincus
1548 Duck Road
Duck, N.C.

This email is written on behalf of my wife Judy and myself in support of the Mid-Currituck Bridge. We are long time property owners in Duck, NC and believe the bridge will alleviate the dangerous congestion in the summer and ensure safe evacuation in the case of hurricanes as the population inexorably expands and more permanent resident households are formed.

Sincerely,

Richard M Hadsell
Judith H Hadsell

134 Martin Lane
Duck, NC 27949

We own a home on Poteskeet Drive in Duck and are in support of building the mid Currituck bridge. Thank you for support of this effort

Carl and Virginia Smolka
142 Poteskeet Drive
Duck, NC 27949-4556

Dear Sir

As part time residents of Duck, N.C., we are asking you to approve of the Bridge. To widen the road in Southern Shores and Duck would surely ruin the ambience of the area, hurting the economy and tourist industry, as well as the ecology of that very narrow bank. It also seems a much more effective storm evacuation method.

Ray and Imelda Herzinger
Duck, N.C.

We are writing to express of strong support of the Mid-Currituck Bridge project. As owners of a non-vacation rental home in Southern Shores, we spend a considerable time in our residence in OBX. The traffic congestion during peak season and holidays is so intense that it makes it difficult for us to visit our favorite stores and restaurants in Duck and further north. We believe that this is also a deterrent to tourism and has a negative impact on the economies of all the OBX towns.

We urge you to fund this much needed project to ensure the continued economic health of our communities.

Lloyd J. and Susan Smith Hogue
65 Ocean Boulevard
South Shores, NC

We are very much in favor of building the Mid-Currituck Bridge. We have begun to get complaints from our renters that it is taking two hours or more to get up to Currituck County from the Wright Memorial Bridge!! Traffic is now backing up even before the Wright Memorial Bridge due to traffic going to the North Beaches as well as to Nags Head and below. It would be a travesty not to build the bridge. Widening Duck roads will not solve the problem as traffic is increasing going to both North and South beaches. The Mid-Currituck Bridge is the best solution and our renters as us every year when it will be completed. Please listen to those both owning houses and renting houses! We need the bridge.

Jeff Drummond
(804) 358-3472

I understand you are on the Joint Legislative Transportation Oversight Committee and will be reviewing the mid Currituck Bridge in early October. I wish to encourage you to move this project forward as fast as possible.

I believe the construction of the bridge will bring many ECONOMIC BENEFITS to the area, not only during the construction period, but also afterwards bringing tourism related jobs to both sides of the bridge region. I know the change will be hard at first for the residents of the mainland area; however I believe it will prove beneficial for all.

Most importantly, as a long time current property owner in Duck North Carolina I see the bridge must be built for simple reasons of SAFETY. I have experienced the problems related to limited access in Duck since building in 1978. It is most difficult to navigate NC12 during the summer months, and when during hurricane evacuations, or access afterwards, it is nearly impossible.

Please do not hinder this projects timeline, in fact please prioritize it,

thank you for your consideration,

Jane Hook
15 Atwood Ave
Sausalito, CA 94965
Dear Mr./Ms. Harrington,

We need the Currituck Bridge. It is long overdue. Please don't wait. All the reasons to build are so very positive.

Thank you for your support,
Jill Sheffer

Sir/ Madam I have been a homeowner in Duck for nearly a quarter century, and during that time the traffic on Route 12 just gets worse every time I go there. I spent last week there---off season-- and you would have thought that I was in mid-summer. It took forever to get into the flow of traffic all week, and the backup was half way between Duck and Southern Shores. Fortunately, there were no hurricanes that would have made the traffic impossible(I know this for a fact, having been caught in many over the years). This is an untenable situation from a traffic and safety standpoint, and it is paramount that it be addressed now. The only feasible solution is the mid Currituck Bridge that should be immediately approved and construction begin as soon as possible. I urge your support and those of your colleagues, for this necessary project. Sincerely Robert J Lanoue PE

Dear Sir: For the record, not everyone in Southern Shores is in favor of the State financing a new bridge. Our taxes could be allocated for issues with a higher priority than a bridge. Education, for one, road improvements, and other issues should receive priority. Peace, Frank and Marian Sciacchitano

To the Joint Oversight Committee and co-chairs:

Thank you for taking time to read this email.

I own a single family home in Corolla and I am a minority owner of the Sea Ranch Resort in Kill Devil Hills. I would like to voice my opinion concerning the Mid Currituck Bridge Project and it's impact. I am a strong proponent of this project for many reasons.

1. The addition of this bridge will bring numerous jobs to the northern Outer Banks and additional tax revenue to Currituck County and the state. There are ongoing projects and potential future developments that will benefit greatly from the bridge. These projects will rely on an employee base from the mainland. With easy access to the northern Outer Banks potential employees will no longer have to drive upwards of an hour to reach gainful employment opportunities.
2. The current residential developments that attract year round residents must have reasonable access to quality schools on the mainland. If we want to attract permanent residents, which increase the tax base, school proximity should be a major consideration.
3. Obviously, the entire Outer Banks relies on vacation dollars to drive the local economy. There are increasing complaints concerning the drive time to get to this beautiful spot. Without the bridge, we will continue to hear the "nightmare" travel stories. I hear stories from guests in Corolla and Kill Devil Hills. If we continue to have what should be a 5 hour drive, take 9 hours, we could eventually see a negative impact with the very vacation rental guests that drive the Outer Banks economy.
4. Increasingly, vacation guests are finding ways to circumvent traffic conditions. I see numerous cars turning left on Dogwood Lane in Southern Shores to take the "back road" to 12 north. It is not a good idea to have already frustrated drivers using local community roads to avoid traffic delays. Secondary roads are easy to find with the advent of GPS technology.

5. The Outer Banks has one of the best emergency evacuation plans on the east coast. That said, it is only a matter of time before we will not be able to evacuate the northern beaches in a timely manner. All it takes is one mishap on the Rt 12 for this to occur. I have heard from vacation guests in the northern beaches that they love the Outer Banks, but will not return due to evacuation and return protocol. Currently, there is no option as safety is always first. However, the Mid Currituck Bridge will get vacationers out more quickly and, of secondary importance, get them back in sooner if storm damage is minimal. Hurricane Irene washed out Rt 12 in Duck, cutting off access to the northern beaches. Ask any north beach rental agent about the fiasco created by opening the northern beaches after Irene before management companies were in place. Again, the result of single access which The Mid Currituck Bridge will prevent from occurring. The Outer Banks has had numerous hurricanes, such as Isabel in 2003, which did major property damage south of the Wright Memorial Bridge and minor property damage to northern beaches. We must keep our northern beaches open, if possible, after these storms.

The Joint Legislative Transport Committee has an opportunity to greatly enhance the future viability of the Outer Banks as a vacation destination. The bridge is slated to be built in a manner which limits environmental impact and promotes economic growth in the entire region. I cannot imagine driving through Duck to the northern beaches on a 4 lane road. We need to keep the northern Outer Banks as we all know and love. If you want a major highway cutting through town and disrupting the vacation experience, visit Ocean City, Maryland. You will understand why so many people drive an extra 3 hours to get to the Outer Banks. Once you cross the Mid Currituck Bridge, the northern Outer Banks should and will remain the same beautiful vacation spot that families return to for generations.

I not only speak from my experiences of ownership and vacationing at the Outer Banks, but from the comments of vacationers who are integral to our economic engine. We need to listen to these voices that can't be heard. Vacationing families have no legislative position to promote the building of the Mid Currituck Bridge. However, they do have the right to vacation elsewhere. Although, I don't believe this will happen, why take a chance? Build the bridge and everybody wins.

Again, thank you for your time.

Sincerely,
Matt Hill-Byrne

Dear Mr. Kolt Ulm:

I am writing to the Joint Legislative Transportation Oversight Committee and key legislators to express my continued support for the construction of the Mid-Currituck Bridge.

THE STATE OF NORTH CAROLINA IS ALLOCATING MILLIONS OF DOLLARS TO UPGRADE STATE ROUTE 85 BETWEEN CHARLOTTE AND GREENSBORO... WHEN ARE YOU GOING TO MAKE IT EASIER FOR NC RESIDENTS TO GET TO THE OBX EASIER?????? YOU HAVE BEEN TALKING ABOUT THE MID-CURRITUCK BRIDGE FOR OVER 20 YEARS!!!! WE ARE TIRED OF WAITING... TOURISM IS SUFFERING AND THE STATE IS MISSING REVENUE.

Tourism is the economic engine of North Carolina's Outer Banks counties. In 2011, tourism in Currituck and Dare counties accounted for almost \$1 Billion in economic impact, 12,640 jobs (paying \$198 Million in local salaries), and \$95.6 million in State and Local taxes. Tourism spending throughout North Carolina hit a record \$18 billion; tax receipts from visitor spending eclipsed \$1 billion for the first time

ever. Meanwhile, the industry accounted for 187,900 jobs in 2011, translating into \$4 billion in salaries to North Carolinians.

Building the Mid-Currituck Bridge would play a central role in expanding this crucial regional economy. It would also accelerate and expand the entire tourism industry in the state of North Carolina.

But, the tourism industry relies heavily on strong infrastructure to thrive and grow. This is why the ability of our roads and highways on the Outer Banks to safely and efficiently carry passengers to their destination is of paramount importance. Of the 7.5 million Outer Banks visitors, an estimated 75% arrive from the north via I-64 and Hampton Roads. Most visitors arrive Friday thru Sunday, the primary check-in days for beach cottages.

The current highways in Currituck and Dare Counties fail to meet this demand. Weekend congestion causes consistent traffic backups of two hours or more on both US 158 and NC 12. These massive delays are an inconvenience for visitors and, most alarmingly, for residents, local employees, first responders and busy law enforcement officers. The situation results in both short and long-term damage to the Outer Banks region and our state's tourism industry - especially as we compete with alternative vacation destinations to both the north and south.

Construction of the Mid-Currituck Bridge will have a badly needed immediate economic impact through the creation of thousands of jobs during the construction phase. Long term the bridge will provide opportunities for further development on the mainland of Currituck County creating economic growth for the county. However, most importantly the bridge will relieve congestion for tourists making the Outer Banks a more convenient vacation destination while addressing growing public safety concerns. It will also provide a badly needed alternative route for hurricane evacuation from the Outer Banks.

This bridge has been in the planning stage for more than twenty years. Its financial feasibility is sound. Much has been accomplished: \$18 million dollars has already been invested in the project. I urge you to not delay this project any further, just as a Record of Decision and commercial closing are within grasp.

Thank you for the opportunity to comment.

Sincerely,
Mary Bilinski
1291 Tweed Ct
Vienna, VA 22182-1488

Legislators,

As a property owner and tax payer in Southern Shores, I am in favor of building the Mid-Currituck Bridge as soon as possible. Please do whatever is in your power to move this project along!

Although the increase in tourism is a good thing for the Outer Banks, the accompanying traffic has impeded the response by Police, Fire and EMS to emergency calls throughout the Spring, Summer and Fall.

This bridge will also provide a much needed Evacuation Route during hurricane season.

I will continue to monitor this project with interest.

Yours truly,

John Harasek

Helly,

I wanted to express my support for the Mid Currituck Bridge. We have lived in Southern Shores for over 10 years and had visited here many years before that, always hearing that the bridge was going to be built. Initially, our street didn't receive anywhere near the traffic we do now, but thanks to Mapquest a few years ago, the tourist now use them as a "shortcut". There is also significant wear and tear on our streets that is being exasperated by the additional vehicle traffic, which is causing our taxes to be raised. With most of the additional traffic travelling to Currituck County, the burden falls on us, the residents of Dare Count to try to correct the roads.

I'm not sure where you live, but if you lived here in the summer, you would definitely support this bridge. From Friday thru Sunday during the season, the traffic is horrific. I live on a "side street" and there are times that I have to wait 15 minutes to just cross the street to get our mail. Not to mention to try to get out of our driveway.

I'm not sure why you don't support this, but I would think that just the ecological benefits of not having thousands of cars, somewhat idling, while they are in bumper to bumper traffic to go 20 miles along Duck Road would be reason enough. This doesn't take into account that the line of traffic is lined up from the intersection of 158 and Rt 12 North across the White Memorial bridge for more than 20 plus mile at times with people only being able to do 15 mph at most.

If there is ever a time that we are "surprised" by a severe hurricane, or that the Government agencies don't start evacuation in time, there will definitley be significant consequences with so many people only having 1 way to get onto 158 and then continue to VA.

I would appreciate you reconsidering your position and try to put yourself in our place.

Regards,

Kathy Curtis

Please vote no to building the new bridge, I am a full time residence, my address is 149 Poteskeet Loop Southern Shores . I am willing to put up with 12 or 13 busy weekends a years to save the state from making a big mistake, down the road the state will have to raise taxes to help pay for this bridge. Again I ask you to vote this down. Thank you, R J Hausler

Dear Mr. Kolt Ulm:

This is to express my continued support for the construction of the Mid-Currituck Bridge.

Building the Mid-Currituck Bridge would accelerate and expand the entire tourism industry in the Outer Banks.

This bridge has been in the planning stage for more than twenty years. I urge you to build the damn bridge! Stop the foolishness! Make history!

Sincerely,
Moses K Kaloustian
484 High Cliffe Ln
Tarrytown, NY 10591-5201

We write to make sure you are aware that there are many in Dare and Currituck Counties who DO NOT SUPPORT the Mid-County Bridge.

It is expensive, will need a toll scheme that is outrageous. The thought that we can pass along the cost of this bridge to visitors makes us wonder what those visitors will think of our state as a vacation destination. Virginia's raising of the toll on the Chesapeake Expressway specifically to hit Outer Banks visitors the hardest adds only to the perception that the Outer banks visitor is a cash cow to be milked unmercifully.

With the much longer lead time weather forecasters give now on Hurricane alerts the idea that this bridge is required for evacuation is just not true. Hurricane evacuation can be accomplished by upgrading NC 12 to 3 lanes with the center lane being reversible for evacuation, acting as a left turn lane (sorely needed) at other times.

George & Eileen Persico
281 Duck Road
Southern Shores NC 27949

Dear Mr. Kolt Ulm:

I am writing to the Joint Legislative Transportation Oversight Committee and key legislators to express my continued support for the construction of the Mid-Currituck Bridge.

I own two properties in Southern Shores, N.C. and am (and have been) in favor of this project for several years and for a couple of reasons... First, my income is based on the vacationers/beach lovers ability to get to my property in an easy, non-obstructed way. Second, from a safety standpoint, there needs to be better traffic flow on Route 158 and 12. I had to get to the hospital a couple of weeks ago with my sister whose fingers got caught in my garage door and, as luck would have it, it happened at 10:25 Saturday morning. It was bumper to bumper (and this was in September!) until we got to the bypass. Thank goodness her injuries werent any worse.

Tourism is the economic engine of North Carolina's Outer Banks counties. In 2011, tourism in Currituck and Dare counties accounted for almost \$1 Billion in economic impact, 12,640 jobs (paying \$198 Million in local salaries), and \$95.6 million in State and Local taxes. Tourism spending throughout North Carolina hit a record \$18 billion; tax receipts from visitor spending eclipsed \$1 billion for the first time ever. Meanwhile, the industry accounted for 187,900 jobs in 2011, translating into \$4 billion in salaries to North Carolinians.

Building the Mid-Currituck Bridge would play a central role in expanding this crucial regional economy. It would also accelerate and expand the entire tourism industry in the state of North Carolina.

The tourism industry relies heavily on strong infrastructure to thrive and grow. This is why the ability of our roads and highways on the Outer Banks to safely and efficiently carry passengers to their destination is of paramount importance. Of the 7.5 million Outer Banks visitors, an estimated 75% arrive from the north via I-64 and Hampton Roads. Most visitors arrive Friday thru Sunday, the primary check-in days for beach cottages.

The current highways in Currituck and Dare Counties fail to meet this demand. Weekend congestion causes consistent traffic backups of two hours or more on both US 158 and NC 12. These massive delays are an inconvenience for visitors and, most alarmingly, for residents, local employees, first responders and busy law enforcement officers. The situation results in both short and long-term damage to the Outer Banks region and our state's tourism industry - especially as we compete with alternative vacation destinations to both the north and south.

This bridge has been in the planning stage for more than twenty years. Its financial feasibility is sound. Much has been accomplished: \$18 million dollars has already been invested in the project. I urge you to not delay this project any further, just as a Record of Decision and commercial closing are within grasp.

Thank you for the opportunity to comment.

Sincerely,
Grace Parker
14302 Aylesford Ct
Midlothian, VA 23113-6042

As a property owner in Southern Shores, the unchecked growth of the Northern Banks has severely impacted quality of life in Southern Shores and Duck.

For the long term viability of this region, BUILD THE BRIDGE.

Phil Dee
Managing Partner
US Patriot LLC
212 Candi Lane
Columbia SC 29210
TEL 704.898.2210
FAX 888.752.5534
www.uspatriottactical.com

Dear Sir or Madam:

I

We are writing to ask for your support for the Mid Currituck Bridge. This bridge is vital for the continued development of tourism in the Northern Outer Banks. It will relieve congestion on other routes to the area and make the Northern Outer Banks a much more convenient tourist destination.

We own a property in Southern Shores and plan to become full time residents in 2013. As we talk with others who travel to the Outer Banks for vacations one of the major problems voiced is need to improve the accessibility of the areas north of Southern Shores. The Mid Currituck Bridge is needed for development of the region

Please help North Carolina's northern most beaches to become the best vacation area, second home area and retirement area for the East Coast. The baby boom generation loves North Carolina so the Mid Currituck Bridge is needed to bring them here to spend their retirement years.

Thank you

Mr and Mts Craig R Burgraff
42 Eagles Nest Lane
Southern Shores, NC

Chairmen of the Joint Legislative Transportation Oversight Committee

As a long time (18 years) property owner in Dare County N.C. and a 33 year visitor to the area, I have seen first hand the extraordinary need for the Mid-Currituck bridge in times of hurricane evacuation. While that health and safety need alone justifies construction of the bridge, other factors such as short term, good paying jobs and long term expansion of the regional economy are also important factors to consider. With tourism such a vital aspect of the Outer Banks economy, one only has to see the hours long traffic jams on Route 12 going through Duck to the North Beaches every summer weekend to realize both the negative impact that has on tourists and the danger it presents to the flow of emergency vehicles. Please fund the Mid-Currituck bridge.

Watt, Tieder, Hoffar & Fitzgerald
8405 Greensboro Drive, Suite 100
McLean, VA 22102
(703) 749-1003
rfitzger@wtmf.com

I am a resident of Southern Shores in Dare County. This morning, our neighborhood association distributed an email encouraging residents to write to you and to attend a rally in support of the boondoggle known as the Mid-Currituck Bridge.

I implore you to kill this ill-conceived project for the following reasons:

- It is expensive and unneeded
- The state has no business funding or backing funding for this project, which will benefit a small number of people
- If built, the bridge will increase traffic capacity resulting in worsening the very problem the project purports to solve
- The construction itself will take a toll on the existing infrastructure through years of heavy equipment operating on rural roads
- This country and our state are in financial distress. We should not begin long-term expensive projects that we may shortly not be able to continue or finish

Do the right thing and kill this project once and for all.

Thank you.

Dave Shrader
David A. Shrader
252-255-0333

dave@windandstars.us

BUILD IT.MAN.YOU ARE RESPONSIBLE TO THESE CITIZENS TO DO THE RIGHT
THING.AND THAT IS BUILD THE DANG BRIDGE.

ALL ABOUT YOUR JOB.AND OURS.

BEN SOREY

As owners of a home in Duck for the past 21 years that we rent out in the summer, we have seen how desperate a north bridge is needed. Our renters have complained that it is nearly impossible to make a left turn off Wood Duck to evacuate onto Rt. 12. On August 7th, it took us longer to go from the intersection of 160 onto Rte. 12 to the Duck line than it did from Chesapeake to the Outer Banks. Southern Shores had no police presence at the intersection from 168 to 12 and it stayed blocked. Lots of cars were cutting through the Rite Aid parking lot adding to the traffic. It took us 4 ½ hours to travel from NC state line to our cottage in Carolina Dunes over an hour of which was getting through the turn from 168 into Southern Shores. I cannot begin to image how dangerous and time consuming it would be to try to evacuate in the summer without the addition of the Mid-Currituck Bridge.

Chuck and Doris Moyer
908 Forest Lake Circle
Chesapeake, VA 23322
(757) 487-1700

Dear Sir/Madam, our family has owned a home in Duck since 1985. Over the years we've seen the growth (people, homes, businesses and traffic) at the Outer Banks; specifically the traffic heading north from Southern Shores to Corolla. When we walk and bike along NC 12 in the Duck area the noise from the traffic makes it almost impossible to listen to NPR, even with earphones and the volume on high.

We currently operate The Flying Duckman LLC, vacation rental. The continued increase in traffic (especially on Saturdays and Sundays - rental turn over days) will impact our ability to rent in the future.

Having the Mid- Currituck Bridge will:

Reduce the traffic not only on NC 12 in the Southern Shores/Duck areas but on NC 158 from the Aydlett (cut to the proposed bridge) to Southern Shores

Will reduce traffic tie ups on Saturdays and Sundays - turn over days for beach rentals

Reduce emission by vehicles stuck in traffic

Reduction of service worker truck traffic will reduce the noise, fuel consumption, and environmental footprint for these vendors.

Provide more time for vendors who have between 10 AM and 4 PM to clean and turn vacation rentals on Saturdays & Sundays

Respectfully submitted,

Bill Balzer
Manager, The Flying Duckman, LLC
134 Plover Drive, Duck, NC 27949

Please vote for the bridge.

Thank you,
Tom & Linda Mullen

We support the building of the Mid- Currituck Bridge.

Richard and Elizabeth Rinehardt
116 Carrol Drive
Duck, NC 27949

To: Joint Oversight Committee

Date: September 29, 2012

Re : Mid Currituck Bridge

Thank you for the opportunity to submit comments.

This is an important, well planned and researched project that has taken years to reach its current stage. The completion of the project is of critical importance to the safety of citizens and visitors as well as the future economic prosperity of the Northern Outer Banks and environs. The “gap” funding as proposed should remain in the budget. It is small in relationship to the economic value of the project.

Without going into details, I want to highlight two often overlooked aspects of this project:

The rare (if not unique) positive economics.

The reality that there are no viable alternatives.

Rare Positive Economics

The average bridge user will save at least 25 miles of travel distance (maximum of 36 miles for about ½ of users. Let’s assume this distance savings is equivalent to the cost of one gallon of gasoline. Let us further assume that the average time savings is ¾ hour, there is only one occupant per vehicle and that time is valued at the minimum wage. It is easy to arrive at an economic value to the user of about \$10 per bridge use.

Translating this economic savings into tolls (plus a little for convenience and safety) pays for a substantial portion of the cost of the project.

Is there another project where the toll charged is so obviously simply a reflection of the actual economic value to the user?

Interestingly, for comparative purposes, the net present value of the projected gap funding would probably be just enough to purchase rights of way for highway widening in the unlikely event the state were ever allowed to do so...with no tolls to offset the cost of highway construction.

No Viable Alternatives

As covered in the Environment Impact Statement, a ferry service is totally impractical in the shallow Currituck Sound. Widening Route 12 was considered as a theoretical alternative, but I believe that to be purely theoretical. Going North from the intersection of highway 158 with Route 12 one passes through some of the highest priced real estate in North Carolina located in municipalities and communities; i.e., Southern Shores, Duck and Pine Island. In addition to passing through the village of "downtown Duck", as one approaches Pine Island one also approaches the narrowest part of the Northern Outer Banks where ocean and sound are $\frac{1}{4}$ mile apart and only a few feet above sea level at best. Indeed, all of Duck averages less than $\frac{1}{2}$ mile wide over its 6 mile length.

Further, in support of the Bridge alternative, the Environmental Impact Statement projects the narrowest portion cited above is likely to be underwater during the life of the Bridge even in the absence of a storm simply from rising relative sea level (as measured by the Army Corp of Engineers at their site 2 miles to the south.) In short, there is a non trivial risk that the Currituck Outer Banks could become completely isolated from practical physical contact with the mainland for some time as difficult to repair "permanent" flooding or inlets develop.

Additionally, with an Environmental Impact Statement strongly supporting the bridge alternative, I would not want to defend a suit that would seem highly likely by wealthy communities to prevent major damage to their lifestyles and property values... particularly where the number of vacation homes owned by legal partners in major law firms may well number in the hundreds, he said with a smile.

To put it mildly, the odds of a road widening in this century are not favorable.

In short, the choices are to build the bridge or do nothing. I urge you to maintain the gap funding so the long planned and sorely needed project can go forward.

Sam Taylor
111 Skimmer Way
Duck, NC 27949
Tel: 252-261-8217
Email: staylor@saltassoc.com

Please know how much and for how long I have supported the need for the construction of the mid-Currituck Bridge. The anticipated benefits will play a vital role in expanding the regional economy, providing a pivotal role in growing the tourism industry, as well as enhancing the needed infrastructure, providing jobs, enhancing the quality of life for those of us who live in Duck, and, perhaps most importantly, facilitating hurricane evacuations.

Carol A. Powell
104 Carrol Drive
Duck, NC 27949

I am writing to let you know that the Mid-Currituck Bridge is still a very important and critically necessary infrastructure improvement to the Outer Banks.

In linking the outer banks to the mainland, a bridge at Corolla would provide not just a quick link for vacationers going to the beach but would place full time residents closer to larger markets and medical facilities. In a world of increasing gas shortages, this alone would be a savings.

In terms of safety, the thought of a quick evacuation for any disaster, natural or manmade, would be ludicrous without this bridge. It would at least give folks a fighting chance in leaving the area.

Placing a bridge at the top of the banks is not only logical but practical from every standpoint. This will free up the Kitty Hawk Bridge for the residents of that area without having to jockey for space with those from the northern banks and allow the southern banks residents less congestion in accessing the Manteo Bridge.

Please strongly consider passing the necessary legislation to make this happen soon.

Thank you

Mary Christianson,
Home owner in Duck, NC

Mary Christianson
848-1225
marykchristianson@att.net

I really feel that the mid county bridge will be a great asset to both the main land and the beaches of Currituck. This is not only an a safety issue but an economic one as well.

I do understand that there may be opposition to this project, but their reasons can only be personal, not considering the greater good. There has been extensive research and money already spent and it would be a great injustice to not only the residents in Currituck and surrounding counties, but to our tourists that visit our area.

Respectfully;

C. A. Howard, Jr.

To Whom it May Concern:

This email is to express my sincere support for the Currituck County Mid County Bridge. First of all, it is a very serious safety issue, and secondly, it would be an asset not just to Currituck County, but to the surrounding counties in Northeastern North Carolina. The mid county bridge would allow the counties to expand economically, and create jobs to an area that is hurting economically.

This has long been a dire need for this area, and I implore you to consider the people in the Northeastern part of this state.

Thank you for your serious consideration.

Rebecca Woodhouse Howard

We desperately need the mid county bridge. It has been dangled before us for decades. We need it yesterday. I'm a resident of Currituck County and I can tell you the traffic situation in the summertime is horrendous. The tourists deserve a break too. They spend hours trying to get to Corolla and Carova. I believe they'd gladly pay a toll to get there much faster and safer. That would spare the lower part of the county the major backups with traffic at a standstill or at a snails pace for hours at a time. If I had to sit in that traffic for hours like they do I wouldn't come back. I'd go somewhere else for future vacations. We need the tourist dollars that are brought to this county. We also need to be able to use our roads.

Alline Aydlett

I want to add my voice to the chorus of other concerned Currituck County citizens who support the completion of the Currituck Mid County Bridge. I see this project as an urgent requirement for those who live in and visit Currituck County. Firstly, this project is required to provide safe evacuation for visitors on the OBX, as well as for those of us living on the mainland-- who will most certainly be impacted in an emergency evacuation of the OBX and/or the county. It is imperative that we provide a safe and rapid egress in the case of a hurricane or other emergency. In the not unlikely event of a disaster, I personally would not want to have to answer questions as to the demise of this initiative when safety issues are so plainly evident.

Economically, there are many individuals who live on the mainland and work on the OBX. Even considering a reasonable toll, this would be a significant financial benefit for residents, especially when considering the ever increasing cost of fuel required to travel the distance. Also, those of us who live on the mainland and wish to access the amenities on the OBX, would have greatly improved access to these businesses, which personally, I currently find inaccessible, but would visit probably weekly if there were a bridge. In considering the economic benefits, one must also consider the time savings for traveling from Aydlett to Corolla (one to one and one half hours in summer) as an important quality of life issue. I hate to see this project miss any additional projected dates. I moved here in 1999 and the project has slipped many, many times. According to life long residents, this project has been in the works for decades. For safety and economic reasons, I URGE you to fight to make this bridge a reality.

Yvonne Taylor
107 Waterway Court
Aydlett, NC

I have been a resident of Corolla Village since retiring from GE in Washington, DC in 1997. My family and I vacationed in the Corolla area for 15 years prior. We are against the mid-county bridge! It will do nothing but change this wonderful area, so because of the extra effort required to get here (like an hour)....Please kill the bridge and keep this sanctuary for those who respect its beauty and natural and historic importance. I invite you or whomever to spend a few days as my guest to explore the wonders of this sand bar so greedily eyed by those who want to exploit.

Paul Hanson
1114 Schoolhouse Lane
Corolla, NC 27927

252 453 4796

I am recommending that you consider building the mid currituck county bridge. There is no way out of the outer banks during a hurricane. I tried to leave 2 years ago and went 1/2 mile in two hours. I returned home and luckily the hurricane by passed us. This is a great concern and Rt. 12 is always busy with traffic during the summer. Anything you can do to make this happen--building a bridge would be appreciated. I have heard about the bridge coming for at least the last 15 years or more. Thank you for your attention in this matter.

Carol Dudek
1115 Carotank Rd.
Corolla, NC 27927

Kolt Ulm:

I have lived on the Currituck Outer Banks for the last 15 years and vacationed in the Outer Banks for 20 years preceding my move here. I have been outspoken in my opposition to the mid-county bridge project since its inception for all of the reasons set forth in my prior letter to the Turnpike Authority (see attachment). I respectfully request that this e-mail and its attachment be read into your public comment meeting on October 5, 2012. I would appear personally but I am scheduled for surgery on that date.

Additionally, Currituck County management has publicly stated that the bridge is needed to make the Currituck Outer Banks more accessible to potential seasonal employees living on the mainland. Seasonal employees average about \$100/day in gross wages. Would anyone having any sense spend more than 50% of their gross wages on bridge tolls slated to cost \$40-60/day??

We are relying on you to help preserve the very unique ecosystem and quaint nature of one of North Carolina's premier resort communities and a major source of the State's tax revenues. Thank you in advance for your consideration of my concerns regarding this massive project of very dubious utility.

Barry S. Richman
868 Welk Court
Corolla, NC 27927
252-453-0626
brichman868@embarqmail.com

May 3, 2010

Mr. David Joyner
Executive Director of the NC Turnpike Authority
C/o Jennifer Harris, PE
1578 Mail Service Center
Raleigh, NC 27699-1578

Dear Mr. Joyner:

I recently read the article in the April 13, 2010 edition of The Coastland Times relating to an interview with you regarding the proposed Mid-Currituck bridge. I was floored by your statement that; "The

community has been waiting for the project to reach this milestone..." In all due respect, sir, who in the world have you been listening to?

Over the last several decades, I have had the opportunity to converse with literally thousands of Currituck Outer Banks residents, non-resident property owners and tourists and have come away with one overriding comment from a large majority of these people - we live/own/visit the Currituck Outer Banks because of its remote, pristine nature, not in spite of it!

As an opponent of the proposed Currituck Mid-County Bridge project, I have repeatedly publicly questioned the utility of the proposed bridge for a number of very pertinent reasons and am now bringing my concerns to you as follows:

1. There is no reputable evidence that the proposed bridge will have any appreciable beneficial impact on reducing evacuation times prior to or during impending natural disasters. Neither the Federal Government nor its Corps of Army Engineers found any appreciable benefit to exist! In fact, there is plenty of historical evidence that any means of easing access to a geographical area spurs residential and commercial development in the area surrounding the access point. One only needs to look at what happens in any area where a new bridge, highway ramp or subway station is built for clear evidence of that fact. An increased rate of development; without a comprehensive traffic management plan including the widening of NC 12 to its intersection with US 158, the building of a NC 12/US 158 flyover and the widening of the US 158/168 corridor from its intersection with NC 12 to the Virginia State line, will exacerbate the problem sought to be alleviated by the bridge, rather than cure it! Making the evacuation-value of such a project even more suspect, official representatives of the Commonwealth of Virginia stated at a recent Hurricane Preparedness meeting that it is their intent to close the NC/VA border to northbound traffic if traffic backups appear imminent in VA during such an evacuation-event! That means that all evacuation traffic will be funneled inland in NC via the 158W/17S or 158E/64W corridors, causing monumental traffic backups in Corolla.
2. Many of the residents, tourists and non-resident Currituck Outer Banks property owners came/come to Currituck because of its remote, pristine nature, not in spite of it! They choose to embark on a long journey and pass the litany of larger, more developed beach communities that populate the entire east coast of the United States to vacation here. The building of the bridge will forever alter the remote/quiet nature of the Currituck Outer Banks and the Sound communities on the Currituck mainland. Do we really need another Wildwood, Ocean City, Myrtle Beach, Atlantic City or Virginia Beach here? In addition, the damage to the environment of this "sportsman's paradise" and its wildlife sanctuaries will be devastating – oil slicks on the Currituck Sound and its marshes from oil condensation runoff from the road surface of the bridge, destruction of wildlife habitat caused by bridge construction, noise pollution, etc. The State and Federal Governments recognized the potential for such adverse environmental impacts!
3. The only physical factor deterring serious criminal activity on the Currituck Outer Banks is a limited access and egress route. Clear evidence exists nation-wide of substantial increases in serious crime spurred by increasing ease of access to and egress from geographic areas.
4. Where are the requisite plans for the public accommodations needed to handle the increased traffic into the Currituck Outer Banks caused by the presence of a Mid-County Bridge? The State's own economic justification package depends heavily, for its economic success, on a very large increase in traffic flow to the Currituck Outer Banks from the "day-tripping" residents of the Tidewater area.
 - a. Where are the plans for the hundreds of (maybe thousands of) additional parking spaces needed to accommodate the increased influx of day-trippers – a total of maybe 200 to 300 spaces currently exist at the Whalehead Club, the Currituck Lighthouse, the Southern

Public Beach Access and several parking lots in the Whalehead Beach subdivision? The current lots are full and overflowing during the season. If plans exist to expand parking, they certainly have not been made public. As part of their storm-water drainage plan for Whalehead Beach, the County plans on discontinuing allowable use of several of the Whalehead Beach parking lots, which will further exacerbate the parking problems.

- b. Where are the plans for the multiplicity of changing rooms needed to accommodate the increased influx of day-trippers so that they can properly enjoy a day at the beach? There currently exists but one set of public changing rooms at the Southern Public Beach Access. If plans exist to expand public changing facilities, they certainly have not been made public
- c. Where are the plans for the multiplicity of public restrooms needed to accommodate the increased influx of day-trippers-there currently exists one set of public restrooms at the Currituck Lighthouse and one set at the Southern Public Beach Access? If plans exist to expand public restroom facilities, they certainly have not been made public. The lack of public restroom facilities is currently so bad that Currituck County recently enacted an ordinance barring public urination and defecation!
- d. Where are the plans for expanded fire and rescue facilities and staffing, law enforcement staffing, ocean rescue staffing and medical facilities needed to accommodate the increased population (year-round and seasonal) on the Currituck Outer Banks? If plans exist to expand such Facilities and staffing levels, they certainly have not been made public.

With the current rate of influx of day-trippers, it is not uncommon for Currituck Outer Banks property owners and lease-holders to find strange cars parked on their properties and community streets (in violation of Currituck County Ordinance), strangers using their; outdoor showers to rinse off and change clothes, their hot tubs and pools, and their property for the purpose of relieving themselves. The increased influx of day-trippers resulting from the proposed bridge will just exacerbate this problem without the increased levels of public accommodations needed as noted above!

- 5. Where are the plans to resolve the daily traffic problems in the 4-wheel drive areas of the northern reaches of the Currituck Outer Banks (beyond the northern extent of NC 12), which clearly would be exacerbated by the increased influx of day-trippers? It's currently a mess during the season with a deadly mix of bathers, people surf fishing, ATVs and dirt bikes and 4-wheel drive vehicles. Does the State intend to open up access to all of its beaches to vehicular traffic to disperse the growing problem?
- 6. Many of the Dare County communities to the South of the Currituck Outer Banks endorse the Mid-County Bridge project, viewing it as a means to dramatically ease the traffic logjams created in large measure by poor traffic management planning when all of the commercial and residential development occurred along the NC 12 corridor in the northern sections of Dare County. Such a view is extremely short-sighted since a large percentage of the traffic along NC 12 is created by: (1) Currituck Outer Banks residents and tourists heading south to avail themselves of the fine restaurants, shopping facilities, cultural facilities and events, historical sites, etc located in Dare County; (2) southern Dare County residents and tourists heading north to avail themselves of the fine restaurants and shopping facilities located in Duck and Corolla; and (3) Dare County residents heading for their employment sites located in Duck and the Currituck Outer Banks. None of the traffic created by these folks will be diverted by the existence of a Mid-County Bridge! In fact, if the bridge proves to have the expected effect of spurring increased development on the Currituck Outer Banks, the increased population (residential, employment and seasonal) created by the bridge will exacerbate the traffic problems, not cure them, without a comprehensive area-wide traffic management plan along with its infrastructure in place before the first vehicle traverses the bridge if its to be built at all.

7. Assuming that Currituck County plans for the infrastructure required to support the bridge, who will foot the bill (millions upon millions of dollars) to acquire the land, develop construction plans and build the facilities. Do the State and/or Federal Governments stand ready to foot the bill? Would it be equitable to saddle the Currituck County taxpayers with the cost of resolving what appears to be a regional traffic problem created in large measure by the past development planning inadequacies of Dare County? What if the bridge is built and falls flat on its economic face – who will provide the funding for the economic shortfall and/or assume management responsibility for the “white elephant”?
8. Does it make any sense whatsoever to commit to building a new bridge of dubious utility when the State has so many bridges in immediate need of major structural repair?
9. Lastly, what a disgraceful “slap-in-the-face” the award of the project to a foreign company would be to the American engineering and construction industries, particularly in view of America’s current economic woes.

In conclusion, those of us who oppose the proposed bridge recognize that there is a real problem of unrestrained growth and traffic on the Outer Banks. What is needed is a comprehensive plan to address relief of the traffic problems area-wide and a common-sense plan to key growth to maintain the unique nature of the Outer Banks and to the availability of services and public accommodations and the rest of the infrastructure necessary to support the planned growth. We just do not see how the proposed Mid-County Bridge project by itself addresses and solves these critical problems.

Sincerely,

Barry S. Richman
868 Welk Court
Corolla, NC 27927
252-453-0626
brichman868@embarqmail.com

The Joint Legislative Transportation Oversight Committee

Dear Sirs,

Thank you for all your hard work addressing the building of the Mid-Currituck Bridge. We appreciate that it can’t be an easy decision, however, we wish to urge you to finalize the plans to construct this bridge before we experience a catastrophic event.

Above all is the safety concern. Living here in Southern Shores along Route 12, we have witnessed 10 hour long traffic jams during hurricane evacuations. This is just asking for a tragic outcome with stalled cars, no bathrooms, no water/food available, no gas stations if the electricity is out(as it has been in the past), and most assuredly deaths with stalled cars sitting in hurricane winds and ocean overflow. We see it truly as a tragedy just waiting to happen.

We appreciate the financial concerns of the NC Legislature but we consider the Mid –Currituck bridge as a win-win situation. It can only enhance tourism and the regional economy, creating much needed jobs. After 20 years of planning and \$18 million dollars spent is it not time to move forward on the Mid-Currituck bridge? Most importantly, we don’t think that you would like to have unneeded deaths on your conscience if you do nothing to facilitate hurricane evacuations here on the Outer Banks of North Carolina.

Sincerely Yours,

William and Yvonne Duiker
10 Kingfisher Trail, Southern Shores, NC, 27949
Phone(252)261-0780
wjdyvd@msn.com

To Whom It May Concern:

We are full time residents of Corolla, NC and wish to have our e-mail read as part of the record.

We are both opposed to the construction of the Mid-Currituck Bridge. The plan is ill-conceived and extremely detrimental to the health and welfare of the environment and community of Corolla. The infrastructure will literally split our community in two, with no way to pass from one side to another without tranversing a 4 lane highway and 15 foot ditches, not to mention the median down the center of the highway. The highway will eliminate 12 houses and businesses.

The bridge itself is not warranted for traffic until the year 2035, as shown by all studies performed on both sides. There is no evacuation plan agreement between NC and VA, pushing what will then be all of 158 and the bridge traffic into one small area. Right now Corolla funds 70% of collected taxes to Currituck County, and the bridge may even kill some of that income when this area becomes another Myrtle Beach. No family living in Currituck can afford the tolls currently being proposed on this bridge. Studies conducted have shown the detriment on the environment.

We felt if you are requesting e-mails of support, please read our non-support into the same record.

Thank you for your courtesies

Richard and Karen Galganski
873 Welk Court, Corolla, NC

Dear Mr. Kolt Ulm:

I am writing to the Joint Legislative Transportation Oversight Committee and key legislators to express my continued support for the construction of the Mid-Currituck Bridge.

Tourism is the economic engine of North Carolina's Outer Banks counties. In 2011, tourism in Currituck and Dare counties accounted for almost \$1 Billion in economic impact, 12,640 jobs (paying \$198 Million in local salaries), and \$95.6 million in State and Local taxes. Tourism spending throughout North Carolina hit a record \$18 billion; tax receipts from visitor spending eclipsed \$1 billion for the first time ever. Meanwhile, the industry accounted for 187,900 jobs in 2011, translating into \$4 billion in salaries to North Carolinians.

Building the Mid-Currituck Bridge would play a central role in expanding this crucial regional economy. It would also accelerate and expand the entire tourism industry in the state of North Carolina.

But, the tourism industry relies heavily on strong infrastructure to thrive and grow. This is why the ability of our roads and highways on the Outer Banks to safely and efficiently carry passengers to their destination is of paramount importance. Of the 7.5 million Outer Banks visitors, an estimated 75% arrive

from the north via I-64 and Hampton Roads. Most visitors arrive Friday thru Sunday, the primary check-in days for beach cottages.

The current highways in Currituck and Dare Counties fail to meet this demand. Weekend congestion causes consistent traffic backups of two hours or more on both US 158 and NC 12. These massive delays are an inconvenience for visitors and, most alarmingly, for residents, local employees, first responders and busy law enforcement officers. The situation results in both short and long-term damage to the Outer Banks region and our state's tourism industry - especially as we compete with alternative vacation destinations to both the north and south.

Construction of the Mid-Currituck Bridge will have a badly needed immediate economic impact through the creation of thousands of jobs during the construction phase. Long term the bridge will provide opportunities for further development on the mainland of Currituck County creating economic growth for the county. However, most importantly the bridge will relieve congestion for tourists making the Outer Banks a more convenient vacation destination while addressing growing public safety concerns. It will also provide a badly needed alternative route for hurricane evacuation from the Outer Banks.

This bridge has been in the planning stage for more than twenty years. Its financial feasibility is sound. Much has been accomplished: \$18 million dollars has already been invested in the project. I urge you to not delay this project any further, just as a Record of Decision and commercial closing are within grasp.

Thank you for the opportunity to comment.

Sincerely,

Eric Craig
21285 Hidden Pond Pl
Broadlands, VA 20148-4021

Daniel Stephenson
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Karen Ish
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William Rushing
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Richard Sedgley
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Karl Lanks
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rick sumner
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Donna Hedrick
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Oct. 1, 2012

To: Joint Legislative Transportation Oversight Committee

From: Wallace E. Davis, III
Aydlett, NC 27916

Subject: Funding the Currituck Mid-County Bridge

Via: email from davishomme@hotmail.com

This letter expresses my opposition to funding the Currituck Mid-County Bridge. In the letter below I first point to the DEIS and EIS studies that refute evacuation claims. I then address three common misconceptions about the potential bridge related to economic development, increased County services, and additional tax revenue.

While I could spend several pages describing how the proposed bridge fails to meet the objectives expressed in the Draft Environmental Impact Statement (DEIS) and Environmental Impact Statement (EIS), I will limit my comments to the following issues:

According to the DEIS/EIS' own studies, the proposed Bridge fails to meet the stated objective of improvement to hurricane evacuation. The study concludes that without the improvement to Rt. 12 and NC158 intersection in Southern Shores, the proposed bridge will not improve hurricane evacuation but, instead, it will actually create evacuation problems in emergency situations. The study identifies those contributing factors, including the eventual build-out of the existing platted homesites on the Currituck Outer Banks. In the end, the study demonstrates how the stated objective of the hurricane evacuation improvement would be achieved simply and exclusively by improving Rt. 12/NC158 (without a bridge).

Moreover, the proposed bridge will only move the point of congestion further north on US 158 (south of the Joseph P Knapp bridge in Coinjock). If the Joseph P Knapp bridge suffers damage during an emergency event, that outage would entirely cut off egress from the Outer Banks north. Additionally, the reliance on US168 north (to Virginia) is further complicated by the fact that traffic travelling north is subject to route closure in Virginia. The state of Virginia has repeatedly and consistently closed roadway access during evacuation events in the past, thereby leaving no exit to the North for travelers. As you can imagine, this situation perpetuates evacuation problems, and there is no evidence that the Virginia Department of Transportation (VDOT) has a new evacuation model or that VDOT is likely to change evacuation strategies in the near term.

While there are a variety of arguments from those proponents for the bridge, the majority of those arguments are on topics other than those Purposes and Needs identified in the DEIS

and EIS. Some seem to find those rationale for building a bridge attractive; however, those arguments have not been vetted by the DEIS and the validity of those perspectives should not be considered accurate. Some of those questionable claims revolve around economic development, increased County services, and additional tax revenue. I'll discuss each of these three claims below.

First I'll discuss the claim that purports economic development and jobs. The Currituck County Commissioners and the County Manager consistently advance "jobs" as an important reason to build. However, we already have an existing model in Currituck that directly refutes such a claim. Look, for example, at development in Currituck County within a ten mile proximity to the current Wright Memorial Bridge. As this existing model demonstrates, the proposed mid-County bridge will represent little to no economic benefit for the mainland.

Surveys of actual visitors, the tourists who contribute the positive economic impact to Corolla, consistently report picking Corolla as a favored destination because of its relatively unblemished beauty, remoteness, and lack of commercialism. The prospect of commercial development related to building a bridge will make the Currituck Outer Banks the same as the Jersey Shore, Ocean City, Md., and Virginia Beach, Va.—all areas that visitors from the Northeast choose to bypass for a more natural experience. If visitors reject these cities because of over-development, they can quit Corolla too. Therefore, a bridge has the potential to significantly discourage tourism.

The second claim is that the proposed bridge may improve delivery of County services. Yet, existing county services in Corolla are already overextended based on the current population. Suggestions about improved County services are further exposed when considering the myriad of new problems created by the 3000 (already approved) new homesites needing routine services—water, sewer, fire and police protection to name a few.

Additionally, you may know that the fourteen (14) mile stretch of land between the end of RT12 and the Virginia border remains unpaved. If the proposed bridge were built, it is fair to expect additional traffic and the need for additional emergency services in the unpaved areas north of Corolla. For example, the unpaved and shifting nature of the beach create dangerous driving conditions that normally require a 4-wheel drive vehicle and experience navigating tentative environments. As common sense suggests, just because someone can afford an expensive SUV does not automatically qualify them to drive it in specialized driving situations. Simply put, some may not share our common sense.

The third argument is that additional real estate development, purportedly contingent upon completion of the bridge, will generate tax revenue. As I've discussed above, the significant additional expenditures required to bring sufficient service to existing residents while also providing an even greater capacity that can accommodate new residents will be considerable.

The proposed bridge will have total costs to the taxpayers of North Carolina that will approach \$2 billion. As you'll see, the volume of traffic using the bridge will not be sufficient to pay the operational and maintenance costs. Projected volumes of traffic are overstated and tolls collected are very unlikely to pay for the bridge. The proposed

“problem” of traffic is not a year round issue and only involves eight (8) weekends each year for no more than four (4) total hours per day. To get a sense of the lack of traffic, please visit the following website <http://www.wsoc.tv.com/traffic/nc-cams/> Once you visit this site, I hope you’ll agree that a \$2 billion expense for or something that involves 64 hours/year is unconscionable and amounts to wasting \$3.13M per hour. Absurd.

When considering the scope of services required and the cost of providing those services, it is hard to believe that the additional tax revenue could cover the additional costs incurred, making the bridge a losing decision.

It is important to note that residents of Currituck County appreciate tourism and support policies and proposals that bridge sound safety decisions, environmental policy, and fiscal responsibility. As I’ve described here, the evidence describes how the proposed mid-County bridge actually fails to spur economic development, has the potential to create irreparable environmental damage, and represents a fiscally reckless policy related to Currituck County expenditures. Finally, this letter acknowledges conclusions from both the Draft Environmental Impact Statement (DEIS) and Environmental Impact Statement (EIS) that demonstrate how the proposed mid-County bridge will not only not improve evacuation, but has the potential to further delay evacuation during emergency situations.

In conclusion, in an era when so many cities and municipalities are in jeopardy of bankruptcy, we implore you to make the responsible and right fiscal decision to immediately stop the expenditures for Gap Funding for the proposed Currituck Mid-County Bridge. In the end, we simply can not afford not to stop this project.

Thank you for your time, and I appreciate your consideration.

Respectfully,

Wallace E. Davis, III

October 4, 2012

Joint Legislative Transportation Oversight Committee
North Carolina General Assembly
16 West Jones Street
Raleigh, NC 27601

Dear Senator Rabon and Representatives Frye and Mills:

At the invitation of the Joint Legislative Transportation Oversight Committee, the Southern Environmental Law Center (“SELC”) submits the following comments regarding the Mid-Currituck Bridge. The comments below outline our concerns with additional details provided in the six attachments (A-G) appended to this letter. In short, the environmental review for the Mid-Currituck Bridge is fundamentally flawed, much like the review of the Monroe Bypass and these flaws may preclude construction of the Bridge. Further, the financial plan for the Bridge continues to raise a number of questions that cast doubt on the project’s financial feasibility. We would be happy to further discuss these concerns with you or the North Carolina Turnpike Authority (“NCTA”) at any time.

1) The environmental review of the Mid-Currituck Bridge is fundamentally flawed

Deficient Environmental Impact Statement

NCTA published a Draft Environmental Impact Statement (“EIS”) in March 2010 and a Final EIS in January 2012. The process of developing an EIS is governed by the National Environmental Policy Act (“NEPA”). SELC, on behalf of our clients, submitted extensive comments on both NEPA documents (See Attachments A & B). As detailed in our comments, the EIS bases its analysis from an inaccurate baseline and thus fails to account for future growth on the Outer Banks attributable to the Toll Highway and the associated direct and indirect environmental impacts. Further, NCTA’s analysis failed to fully explore less costly and destructive alternatives to a new toll bridge. Additional flaws are outlined in the attached comments.

Impact of Monroe Decision

The recent decision by the United States Fourth Circuit Court of Appeals regarding the flawed Monroe Bypass EIS further underscores the inadequacies in the environmental review conducted for the Mid-Currituck Bridge. (The opinion is attached as Attachment C). The failure

to calculate environmental impacts from an accurate baseline was found by the Fourth Circuit to be a key flaw in the Monroe Bypass EIS. As noted above, the EIS the Mid-Currituck Bridge contains the same flaw. The similarities between the EIS for the Mid-Currituck Bridge and the EIS for the Monroe Bypass deemed falwed by the Fourth Circuit are outlined more extensively in the attached letter to the Federal Highway Administration. (See Attachment D).

2) NCTA's failure to comply with environmental laws may preclude construction of the Mid-Currituck Bridge

In his letter to the committee of August 3, 2012, David Joyner, Executive Director of NCTA, stated that: "Historically, environmental lawsuits do not kill projects but they can delay projects. Eventually the projects go forward." This statement is without foundation.

NEPA

With this comment, it appears Mr. Joyner is referring to environmental lawsuits under NEPA. NEPA is a procedural statute that requires full disclosure of environmental issues and exploration of alternatives to inform decision-makers. Successful lawsuits under NEPA thus require agencies and decision-makers to revisit their analyses so that decision makers and the public can be fully informed during the decision-making process. By indicating that Mid-Currituck Bridge will ultimately be constructed, regardless of any additional NEPA analysis performed in the future, Mr. Joyner disregards the intent and directive of NEPA which is to inform the decisionmaking process and not to justify decisions that have already been made.

Furthermore, in addition to the procedural requirements of NEPA, NCTA will need to satisfy substantive environmental requirements, including the provisions of the Clean Water Act and the Endangered Species Act. Where NEPA is a procedural "action-forcing" statute that does not itself mandate specific outcomes, these substantive statutes have specific requirements that must be met, and which can prevent certain destructive actions entirely.

Clean Water Act

For example, under the federal Clean Water Act, NCTA will need to demonstrate that construction of the Mid-Currituck Bridge is the "Least Environmentally Damaging Practicable Alternative" ("LEDPA"). This is a substantive rather than a procedural requirement. Only after determining that the project is the "LEDPA" can the US Army Corps of Engineers issue a permit. The EIS for the Mid-Currituck Bridge demonstrates that less damaging practicable alternatives to the new-location Bridge exist, such as upgrades to area roadways. Thus, a successful environmental lawsuit on this issue would not serve only to delay the bridge, but could prevent its construction entirely.

Endangered Species Act

Like the Clean Water Act, the Endangered Species Act contains substantive provisions that can prevent construction of a project where federally endangered species may be impacted. Given the high levels of bio-diversity in the vicinity of the proposed Bridge and the many federally endangered and threatened species present, NCTA must satisfy the requirements of the ESA before moving forward.

3) The financial plan for the Mid-Currituck Bridge raises a number of questions and concerns

TIFIA loan

NCTA's recent application for a Transportation Infrastructure Finance and Innovation Act ("TIFIA") loan was not granted.

In his letter to this Committee of August 20, 2012, Mr. Joyner presented a plan of finance for the Bridge that relied heavily on securing TIFIA funding for the project. In the letter, Mr. Joyner explained that NCTA was "well-positioned" to obtain TIFIA funding, stating specifically that the Mid-Currituck project was "application ready" for the TIFIA program.

Despite these assurances to the Committee, NCTA's application for TIFIA funding was recently returned to them due to "a number of outstanding issues" including NCTA's failure to reach financial close on the project or secure necessary permits. (See letter from TIFIA Office, Attachment E). There is no indication that these outstanding issues will be resolved in the near future, and, as such, no guarantee that FHWA will consider a future application for TIFIA funding.

Private Partner- ACS

Substantial concerns remain about the proposed concession agreement with the private partner, the ACS Group. As noted in the Committee's letter of August 8, 2012, the ACS Group is saddled with substantial debt, faces significant financial uncertainty, and may have limited ability to issue additional debt. This is not an ideal partner for North Carolina's first venture into PPP arrangements. (See May 9, 2012 NY Times article outlining concerns, Attachment F).

Further, we are concerned about the amount of power that will be delegated to the private partner, given its limited financial investment in the project, which will account for less than 10% of the project cost. With the private partner contributing so little, we are particularly concerned that it will have the ability to make important decisions regarding the project such as setting the toll rate, which may have significant influence on how the toll road fits into North Carolina's transportation policy. Toll rates should be calibrated in a way to best serve transportation needs, rather than to maximize profit, while, as a private corporation, ACS is bound to maximize profits.

Non-compete agreement

While we understand that there is no formal “non-compete” clause included in the concession agreement with the private partner, we are concerned that NCDOT may refrain from needed road improvements to area roadways so as to maximize toll revenue from the Bridge. In recent discussions regarding upgrades to US 74, the route that runs parallel to the Monroe Bypass, NCTA stated that it would not be in favor of any improvements that would have a “competing interest” with the toll highway. NCTA has thus made clear that it sees toll revenue as trumping the needs of local citizens. (See US 74 focus group minutes. Attachment G, page 4).

Local Government Commission Approval.

Mr. Joyner’s August 20, 2012, letter refers to the need for Local Government Commission (“LGC”) approval before moving forward with financing the Mid-Currituck project. However, it seems unlikely that the LGC will consider bond issuance until all litigation that might be filed in connection with this project has been fully resolved.

In 2010 and 2011, the LGC issued over \$600 million in bonds for the Monroe Bypass toll road, despite contrary recommendations from SELC, which repeatedly advised that no bonds be issued while litigation over the project was still pending. Subsequent to the ruling by the Fourth Circuit that invalidated the EIS for Monroe project, these bonds are now sitting unused incurring interest to be paid at tax-payer expense. In light of the lessons learned from this experience, representatives from the Treasurer’s office have indicated to SELC that the LGC is unlikely to issue bonds for NCTA projects prematurely in the future.

Thank you for your consideration of our concerns. We would be happy to discuss these issues further with you at any time.

Sincerely,

Julie Youngman
Senior Attorney

Kym Hunter
Staff Attorney

SOUTHERN ENVIRONMENTAL LAW CENTER

Telephone 919-967-1450

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CHAPEL HILL, NC 27516-2559

Facsimile 919-929-9421

June 7, 2010

Ms. Jennifer Harris
NC Turnpike Authority PBS&J
1578 Mail Service Center 5200
Raleigh, NC 27699-1578
(jennifer.harris@ncturnpike.org)

Re: Draft Environmental Impact Statement for Mid-Currituck Bridge

Dear Ms. Harris;

On behalf of the Audubon North Carolina, North Carolina Wildlife Federation, Environmental Defense Fund, and the Wilderness Society, the Southern Environmental Law Center submits the attached comments on the above-referenced Draft Environmental Impact Statement (DEIS), prepared by the North Carolina Turnpike Authority, a division of the North Carolina Department of Transportation, and the Federal Highway Administration (the "Transportation Agencies"). The DEIS analyzes the impacts of the proposed alternatives for the Mid-Currituck Bridge project ("the Toll Bridge").


In our comments, we identify a number of issues related to the proposed Toll Bridge that we believe require significantly greater disclosure and analysis to comply with the National Environmental Policy Act ("NEPA") and other federal and state laws prior to the potential permitting of this project. The key shortcomings of the DEIS include the following:

- The DEIS presents inflated estimates of traffic and population growth in the project area under the "no-build" scenario, skewing the analysis of the Toll Bridge's purpose and alternatives in favor of construction.
- The DEIS fails to analyze the Toll Bridge's secondary and cumulative impacts, claiming without basis that it would not significantly encourage development along the northern Outer Banks or cause any significant environmental impacts associated with that increased development.
- The DEIS fails to adequately support or explain its recommendation of the Toll Bridge alternative, a \$600 million investment to reduce travel time to a small strip of shifting, hurricane-prone barrier peninsula unsuitable for intensive development, especially in light of climate change.

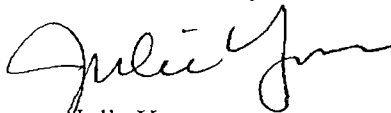
- The DEIS does not acknowledge or evaluate how the Toll Bridge would contribute to nonpoint source runoff, affecting habitat for wintering waterfowl and essential primary and secondary nursery areas for various fish species.

The immense scale, cost, and impact of this project calls for an especially thorough review under NEPA. The DEIS, however, belies any notion that the Transportation Agencies undertook an objective evaluation, which might have favored a transportation investment at odds with the North Carolina Turnpike Authority's narrow charge under N.C. Gen. Stat. 136-176(b)(2): "construction of the Mid-Currituck Bridge." The numerous and significant shortcomings of the DEIS prevent meaningful review of the Project, its many far-reaching direct and secondary impacts, and potential less damaging alternatives. Given the magnitude of these deficiencies, we urge the Transportation Agencies to revise their analysis of alternatives and impacts according to the recommendations set forth herein and to issue a revised Draft Environmental Impact Statement for public review and comment.


Sincerely,



J. David Farren
Senior Attorney



Julie Youngman
Senior Attorney



Thomas M. Gremillion
Associate Attorney

cc: Tim Gestwicki, North Carolina Wildlife Federation
Sam Pearsall, Environmental Defense Fund
Brent Martin, The Wilderness Society
John F. Sullivan, FHWA
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Heinz J. Mueller, USEPA
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Walker Golder, Audubon North Carolina

INTRODUCTION

The Mid-Currituck Bridge would span seven miles of wetlands and coastal sound to access the northernmost strip of North Carolina's Outer Banks, which measures less than a mile wide for most of its length. The Currituck Banks barrier peninsula, separated from North Carolina's mainland by marshes and the Currituck Sound, is part of a dynamic barrier island system. Ocean overwash, high shoreline erosion rates, inlet formation, and other impacts generally associated with barrier islands make the project area ill-suited for the large-scale infrastructure and intensive development that would result from construction of the Toll Bridge contemplated in the Draft Environmental Impact Statement ("DEIS"). At the same time, those natural processes are instrumental in creating nesting habitat, feeding grounds, and fish nurseries for the abundant wildlife found in some of the last remaining natural areas on the northern Outer Banks, including a State Natural Area, a State Estuarine Preserve, State Game Lands, and National Wildlife Refuge lands, all located just a few miles from the planned terminus of the Toll Bridge. On the mainland side of the Sound, the Toll Bridge would encroach upon the Maple Swamp Gordonia Forest, designated a Significant Natural Heritage Area.

Currituck County and state transportation officials first hatched their plans for a bridge across the Mid-Currituck Sound in the 1970s. In 1975, the state Board of Transportation adopted a formal resolution favoring the Project. Since then, the Project has been the subject of numerous studies, each of which have concluded that other transportation improvements would better suit the needs of area residents with less taxpayer dollars, and cause far less damage to the environment. In 1998, the first DEIS for this Project was issued, but it was never followed by a Final EIS. According to the transportation agencies, a "majority" of those who spoke up at public hearings or submitted written comments on the project "expressed opposition to a Mid-Currituck Bridge because of natural resource impacts, the belief that the project would not solve hurricane evacuation needs, and the expectation that the project would facilitate development on the Outer Banks." [P&N Doc 1-9]

Now, in the new, current DEIS, the Transportation Agencies have refashioned the Mid-Currituck Bridge as a toll bridge, which may cost as much as \$12 per crossing. But the potential of this project to generate toll revenue does not alter the basic calculus regarding whether it is feasibility and whether it belongs among the state's transportation priorities. Tolls would pay for only a fraction of the Bridge's cost. The project would require state "gap funding" appropriations over the next thirty years that are worth nearly \$300 million today. The state would also back several hundred million dollars of loans and "toll revenue bonds." This public funding and debt capacity could be put to better use devoting them to North Carolina's pressing transportation needs. For example, it could address neglected maintenance and repair needs in the vicinity of the project, including the replacement of the Bonner Bridge over Oregon Inlet. The continued promotion of the Mid-Currituck Toll Bridge reflects the peculiar status of the North Carolina Turnpike Authority, which continues to pursue an independent transportation agenda, out of step with emerging federal and state policies on infrastructure investment, energy, and environmental stewardship, despite the passage of a law last summer "transferring the functions and funds" of the agency to the North Carolina Department of Transportation.¹

¹ On July 17, 2009, Governor Perdue signed House Bill 1617, "an Act transferring the functions and funds of the North Carolina Turnpike Authority to the Department of Transportation to conserve expenditures and improve

The Mid-Currituck Bridge is an ill-conceived project with or without tolls, and with or without the limited involvement of a private sector partner. As the DEIS points out, this involvement is contingent upon the selection of a Toll Bridge alternative. The private partner consortium, led by the Spanish conglomerate Grupo ACS, is expected to contribute only \$80 million, approximately ten percent of the project's construction costs, leaving the bulk of the remainder to be borne by North Carolina taxpayers. For Grupo ACS's investment to pay off, moreover, during the summer high season nearly 20,000 cars per day would need to pass over the Bridge and through Corolla, what is now an unincorporated community of some 500 permanent residents and 30 public beach access parking spaces. These financial plans implicate massive new investments in real estate and infrastructure, which would be highly vulnerable to hurricanes, sea level rise, erosion, and other phenomena that will exact ever higher costs as climate change impacts worsen.

The rigor of the Transportation Agencies' evaluation of this project under NEPA should have been commensurate with its scale, cost, and regional importance. Instead, the Transportation Agencies have issued a DEIS that suffers from multiple inaccuracies, omissions and other shortcomings. The DEIS fails to account for induced population growth, advancing the false claim that building a bridge where none currently exists would have no effect on the total amount of traffic in the area. As a result, the DEIS mischaracterizes the Toll Bridge's ability to advance the stated objectives for the project: relieving congestion and expediting hurricane evacuation. It also fails to adequately assess the Toll Bridge's impact on wildlife, including various endangered species, on water quality, on fisheries, and on the overall quality of experience for visitors and residents along the Outer Banks. These shortcomings prevent the meaningful and informed evaluation of this project as required by NEPA. The Agencies should issue a new DEIS that fully addresses these issues and compares the project's benefits to a viable existing road upgrade alternative before proceeding to the Final EIS phase.

I. NEPA

The National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.* (NEPA), embodies a broad national commitment to protecting and promoting environmental quality. Robertson v. Methow Valley Citizens Council, 109 S. Ct. 1835, 1845 (1989). The preparation of an "environmental impact statement" or "EIS" satisfies the twin aims of NEPA: (1) to ensure that agency attention will be focused on the probable environmental consequences of the proposed action, and (2) to assure the public that the agency has considered environmental concerns in making its decision. North Buckhead Civic Ass'n v. Skinner, 903 F.2d 1533, 1540 (11th Cir. 1990). Most importantly, the EIS serves as a springboard for public comment and incorporates the critical views of other federal, state, and local agencies. *Id.*; Robertson, 490 U.S. at 349.

The adequacy of an EIS depends on whether the agency followed the procedure required by law in its preparation. North Buckhead, 903 F.2d at 1540. The preparer of an EIS "must go beyond mere assertions" and provide sufficient data and reasoning to enable a reader to evaluate the analysis and conclusions and to comment on the EIS. Silva v. Lynn, 482 F.2d 1282, 1287

Efficiency." Since the enactment of the law, however, the Turnpike Authority's management structure has remained essentially unchanged, and a separate board of directors continues to direct the Authority. Text of the bill is available at <http://www.ncleg.net/Sessions/2009/Bills/House/HTML/H1617v4.html>.

(1st Cir. 1973). An EIS requires the agency to take a “hard look” at environment impacts, and “an agency’s hard look should include neither researching in a cursory manner nor sweeping negative evidence under the rug.” Natl. Audubon Soc. v. Navy, 422 F.3d 174, 194 (4th Cir. N.C. 2005).

Equally important, an EIS provides the basis for a decision under Section 404(a) of the Clean Water Act, 33 U.S.C. § 1344(a), which authorizes the Corps of Engineers to issue permits for the discharge of dredged or fill materials into wetlands or other waters. The Corps must deny applications for section 404 permits if “[t]here is a practicable alternative to the proposed discharge that would have less adverse effect on the aquatic ecosystem, so long as such alternative does not have other significant adverse environmental consequences.” 33 C.F.R. § 320.4(a)(i).

A. Purpose and Need

1. Project Needs and Goals

The DEIS states that the “purpose” of the Toll Bridge is to address the following needs:

- The need to reduce congestion along US 158 and NC 12.
- The need to reduce travel times “between the Currituck County mainland and the Currituck County Outer Banks.”
- The need to reduce hurricane evacuation times from the areas along the Outer Banks currently accessible via US 158 and NC 12. (DEIS 1-3.)

As evidence of these needs, the DEIS cites projections of traffic congestion in 2035. The DEIS indicates that the worst congestion would occur “on US 158 east of the Wright Memorial Bridge and NC 12 in Southern Shores and parts of Duck.” (DEIS 1-4.) The DEIS describes how traffic delays (with the No-Build Alternative) are projected to affect a “representative trip from the Currituck County mainland to the Currituck County Outer Banks.” (DEIS 1-4.) It also states that hurricane evacuation times, defined as the time from when the first evacuee leaves until all evacuees have reached safety, from the northern Outer Banks are currently exceeding the state standard 18 hours, and will reach 36 hours by 2035 with the No-Build Alternative. (DEIS 1-5.)

2. Regulatory Framework

CEQ regulations require the Agencies to provide a statement specifying “the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.” 40 CFR § 1502.13. As the defined purpose of a proposed action may greatly affect the feasibility of alternatives, an agency “may not define the objectives of its action in terms so unreasonably narrow that only one alternative from among the environmentally benign ones in the agency’s power would accomplish the goals of the agency’s action,” Citizens against Burlington, Inc. v. Busey, 938 F.2d 190, 196 (D.C. Cir. 1991). As another court explained, it is unreasonable for an agency “to narrow the objective of its action artificially and thereby circumvent the requirement that relevant alternatives be considered.” City of New York v. Dep’t

of Transp., 715 F.2d 732, 743 (2d Cir. 1983). Doing so would make the EIS a foreordained formality. Citizens Against Burlington, Inc., at 196. Instead, agencies must look hard at the factors relevant to the defined purpose. Once an agency has considered the relevant factors, it must define goals for its action that fall somewhere within the range of reasonable choices. Id.

3. Deficiencies in the Purpose and Needs Section

The DEIS's discussion of purpose and needs does not meet the requirements of NEPA. The only need that the Toll Bridge might actually address—reducing travel times “between the Currituck County mainland and the Currituck County Outer Banks”—is impermissibly narrow. By all accounts other than the current DEIS, including that of the previous 1998 DEIS, the Toll Bridge would exacerbate traffic congestion in the area and lengthen hurricane evacuation times.

The DEIS makes clear that the Toll Bridge would connect two parts of Currituck County that are currently accessible to one another only by traveling through part of Dare County. The DEIS does little to explain, however, how this connection between the two sides of Currituck County addresses any sort of significant need. In the 1998 DEIS for this project, the Transportation Agencies cited an objective to “provide more efficient public services to Currituck Outer Banks.” (DEIS 1-10.) Collaborating state and federal agencies criticized this characterization of the project purpose, pointing out, for example, that “Currituck and Dare Counties have already demonstrated cooperative arrangements on the provision of [public] services,” and that “based on continuing development in the Corolla area, improved access is not a critical need for development.”² The current DEIS omits any reference to public services on the Currituck County Outer Banks. Instead, it emphasizes travel delays during the summer high season to the area. But while the Toll Bridge would undoubtedly reduce travel time for those making the “representative trip” between “the approximate endpoints of a Mid-Currituck Bridge,”³ the DEIS gives little reason to believe that this benefit justifies the enormous economic and ecological costs of the Project.

Similarly, the traffic congestion projections cited in the DEIS fail to establish a compelling need for the Toll Bridge. Considering that most of the development along the Outer Banks is dedicated to summer vacation rentals, the reported congestion is unsurprising. More remarkable is the underlying assumption in the DEIS that traffic volume along NC 12 and US 158 will continue to grow, nearly doubling by 2035 and producing staggering delays during the summer weekend days. These projections are inconsistent with the Transportation Agencies' own studies, which note that traffic volumes along US 158 have “exhibited little growth in the most recent five year period” and that “[t]raffic levels on NC 12 between Southern Shores and Corolla appeared to be down,” possibly indicating that “congestion along this road has reached a saturation point and become a deterrent to traffic growth.”⁴

² Comments of Heinz J. Muller, US EPA (April 30, 1998).

³ Parsons Brinckerhoff, Statement of Purpose and Need, at 6 (October 2008), *available at* www.ncturnpike.org.

⁴ Wilbur Smith Associates, Preliminary Traffic and Revenue Report, at 2-5 (Jan. 2007) *available at* www.ncturnpike.org.

To the extent that traffic congestion represents a problem in the project area, the Toll Bridge would not help to solve it. The DEIS points out that on weekend days during the summer high season, “congestion occurs on NC 12 just south of Southern Shores and Duck and on US 158 east of the Wright Memorial Bridge.” (DEIS 1-3.) Notably, travelers would not likely use the Toll Bridge to access these areas. Travelers using the Bridge would, however, add to the existing traffic along NC 12 in the Corolla area, and along US 158 and US 168 north of the proposed mainland terminus. The 1998 DEIS acknowledged this traffic growth effect. It conceded that “the future development allowed by the bridge would result in the congestion on NC 12 returning to or exceeding current levels by 2020.”⁵ This prompted criticism, with EPA noting that “[s]trangely, this project is not designed to reduce congestion on the main roadways but is narrowly geared to address travel to the uppermost Outer Banks.”⁶

The current DEIS attempts to blunt this line of criticism by denying that the Toll Bridge would, in fact, cause more vehicles to travel to the area. The DEIS references a 2035 Traffic Alternatives Report that depicts the same number of cars traveling along the US 158 mainland arterial directly north of the Toll Bridge under the future “Build” and “No Build” scenarios.⁷ In other words, the DEIS claims that over an hour of travel time savings would not persuade any additional drivers to visit the northern Outer Banks. Neither the DEIS nor the 2035 Traffic Alternatives Report explain this counterintuitive conclusion, which ignores an abundance of carefully documented empirical studies that link traffic levels to available road capacity. As one meta-analysis of over fifty traffic studies concludes: “There is no question that road improvements prompt traffic increases.”⁸

In North Carolina, federal courts have recognized these traffic inducing effects of large highway infrastructure projects. In Sunset Beach, North Carolina, the Transportation Agencies claimed that replacing a one-lane, pontoon bridge with a high-level, fixed-span bridge would not cause any traffic increases or induce additional development. See Mullin v. Skinner, 756 F. Supp. 904 (E.D.N.C. 1990). The Federal District Court for the Eastern District of North Carolina rejected that claim, explaining that induced traffic growth follows from the “irrefutable reality that the easier it is to get somewhere, the more people will be inspired to do so.” *Id.* at 917; see also Sierra Club v. United States DOT, 962 F. Supp. 1037, 1043 (D. Ill. 1997) (rejecting an EIS based on the “implausible assumption that the same level of transportation needs will exist whether or not the tollroad is constructed.”) Compared to the situation in Sunset Beach, the Mid-Currituck Toll Bridge would make it even easier for travelers, particularly from points north of the project area, to access the North Carolina Outer Banks, because it would establish a new route of access altogether. The DEIS, however, falsely claims that the improvement would not inspire any new visitors to go there.

⁵ 1998 DEIS p. 2-59. Compare *id.* Table 2-16, p. 2-56 (53,000 vehicles per day estimated at US-158 near Coinjock under 2020 “No-Build” scenario) with *id.* Table 2-18, p.2-61 (58,600 vehicles per day under 2020 “Build” scenario at same location).

⁶ Comments of Heinz J. Muller, US EPA (April 30, 1998).

⁷ Parsons Brinckerhoff. 2035 Traffic Alternatives Report, at 13-14 (March 2009) available at www.ncturnpike.org.

⁸ Robert Cervero, “Induced Travel Demand: Research Design, Empirical Evidence, and Normative Policies.” Journal of Planning Literature 17:3 (2002) at 17.

Finally, the DEIS points out that North Carolina General Statute § 136-102.7 establishes a “Hurricane Evacuation Standard” of 18 hours from the time of a hurricane warning, a standard that “was already exceeded at 27 hours in 2007 for evacuees leaving the Outer Banks via NC 168 and US 158.” (DEIS 1-5.) This law does not establish a need for the Toll Bridge. If anything, the law—which explains that the standard shall “be used for any bridge or highway construction project” under NCDOT authority—augers against its construction. Although the DEIS claims that the Toll Bridge would reduce hurricane evacuation times, this claim is based on the assumption that the Toll Bridge would not cause any growth in travel to the Outer Banks. That assumption is not scientifically credible or legally defensible. In fact, as the US Army Corps of Engineers pointed out in its comments on the previous DEIS, the transportation agencies should have disclosed the impacts associated with “hurricane evacuation time increase” resulting from the Project.⁹

B. Consideration of Alternatives

1. The Proposed Alternatives

The DEIS describes five detailed study alternatives, one of which (“ER2”) involves widening the Wright Memorial Bridge, US 158, and NC 12 and constructing an interchange between US 158 and NC 12 on the Outer Banks, but not building a bridge. The other four alternatives are bridge variations, two of which include one combination of road improvement and widening components and two of which include a different combination of road improvement and widening components. For each pair of bridge alternatives, there are also several choices of bridge approach and hurricane evacuation designs. The DEIS recommends one of two possible bridge alternatives, and makes no recommendation regarding the approach and hurricane evacuation design options presented in the DEIS for those alternatives. The DEIS explains that bus transit, ferry service, shifting rental times, and transportation system management alternatives were also considered, but eliminated from further consideration because they would make only “a minimal reduction in congestion and travel time.” (DEIS 2-41.)

2. Regulatory Framework

NEPA directs agencies to prepare a “detailed statement” of alternatives to the proposed federal action. 42 U.S.C. § 4332(C)(iii). CEQ regulations require agencies to “[r]igorously explore and objectively evaluate all reasonable alternatives.” 40 C.F.R. § 1502.14(a). An “informed and meaningful consideration of alternatives - including the no action alternative - is an integral part of the statutory scheme.” Friends of Southeast's Future v. Morrison, 153 F.3d 1059, 1065 (9th Cir. 1998). The agency must “[d]evote substantial treatment to each alternative considered in detail, including the proposed action, so that reviewers may evaluate their comparative merits.” 40 C.F.R. § 1502.14(b). Only those alternatives that are deemed to be unreasonable can be eliminated from the study. 40 C.F.R. § 1502.14(a). Detailing all realistic possibilities forces the agency to consider the environmental effects of a project and to evaluate those against the effects of alternatives. Piedmont Heights Civic Club Inc. v. Moreland, 637 F.2d 430, 436 (5th Cir. 1981).

⁹ Comments of C.E. Shuford, US Army Corps of Engineers (May 12, 1998)(emphasis added).

The EIS must consider alternatives to the proposed action that may partially or completely meet the proposal's goal and it must evaluate their comparative merits. Natural Resources Defense Council v. Callaway, 524 F.2d 79, 93 (2d Cir. 1975). Considering alternatives that only partly meet the project goals allows the decision maker to consider whether meeting part of the goal with less environmental impact may be worth the tradeoff with a preferred alternative that has greater environmental impact. North Buckhead, 903 F.2d at 1542. The treatment of alternatives in an EIS must be judged against a "rule of reason" in order to permit a reasoned choice among the various options. Druid Hills Civic Ass'n v. Federal Highway Admin., 772 F.2d 700, 713 (11th Cir. 1985).

3. Deficiencies in the Analysis of Alternatives Section

Reflective of the Turnpike Authority's narrow focus, the DEIS devotes inadequate treatment to Toll Bridge alternatives. In a single sentence, the DEIS eliminates the ferry service alternative from consideration because, according to the document, ferries would be costly as well as ineffective, and "would require substantial dredging in the Currituck Sound." (DEIS 2-41.) Another technical report, the Alternatives Screening Report, provides the analysis of these options. Notably, the Report only considers conventional ferry service, and on a very large scale. It fails to address comments made in response to the previous DEIS requesting that the agencies investigate whether very shallow draft ferries could meet the project purposes without extensive damage to submerged aquatic vegetation (SAV) and other resources in the Sound. A system of modern, high-speed, shallow-draft ferries and water taxis could serve high volumes of passengers even in fairly shallow waters. The San Juan Islands, Channel Islands National Park, and Cumberland Island National Seashore are examples of popular tourist destinations reached by ferry. Likewise, Ocracoke and Bald Head Islands, Cape Lookout National Seashore, and Hammocks Beach State Park have all been connected to the mainland only by ferry boats for their entire histories, and yet remain among the most popular tourist destinations on the North Carolina coast. In light of the many advantages of ferries and the many examples of successful ferry systems, the cursory analysis in the DEIS and rejection of ferries as an alternative for this relatively lightly developed area is unjustified.

Similarly, the DEIS barely mentions a bus transit service alternative. Agency comments on the previous 1998 DEIS noted that "[p]ublic bus transit would benefit travel on NC 12 and it should have some appeal and feasibility because of the narrow, linear nature of the Outer Banks and seasonal tourist travelers."¹⁰ The current DEIS, however, refers again to the Alternatives Screening Report for further explanation of why bus transit would reap only "minimal" benefits. (DEIS 2-41.) That report does not define a bus transit alternative, explaining that "specific design and operational characteristics of the Bus Transit Alternative were not developed pending a finding on whether or not the potential benefits of transit made it an option worth pursuing in further detail."¹¹ According to the report, the study team found that transit was not an option worth pursuing further based on a hypothetical 16.8 mile trip. As the report explains: "It was assumed that if the bus under uncongested conditions takes longer to make this trip than an automobile under worst-case congested conditions (No-Build Alternative), then it could be

¹⁰ Comments of Heinz J. Muller, US EPA (April 30, 1998).

¹¹ Parsons Brinckerhoff. Alternatives Screening Report, at 38 (October 2009), available at www.ncturnpike.org.

concluded that transit would offer no benefit.”¹² Because the time needed for passengers to “walk to the bus,” “wait for the bus,” “ride the bus with the bus stopping every one-half mile for one minute to take on passengers, and walk to their destination,” would be greater than the driving time under congested conditions, the report concludes that “it is likely that bus transit would be little used if provided.”¹³ Notably, such an evaluation would support the elimination of much, if not most, existing bus transit across the country. The Report does not support its transit analysis with references to other authorities, or explain why its trip comparison is an appropriate criteria for determining the demand for transit or its usefulness for mitigating congestion along the Outer Banks.

Further, the DEIS fails to provide an adequate explanation of why the improve existing “ER2” and “No-Build” alternatives do not meet the project purpose and need in comparison with the Bridge alternatives. This deficiency relates back to the unrealistic traffic projections for the project area. The DEIS does not expressly present these projections, however, but instead presents a chart with metrics such as “congested vehicle miles traveled,” and “hurricane evacuation benefit.” In support of its conclusion that the Bridge alternatives best achieve these objectives, the DEIS refers to both the Alternatives Screening Report and the 2035 Traffic Alternatives Report. The DEIS does not adequately disclose that its analysis relies on the assumption that the same number of cars would travel through the project area to the Outer Banks, regardless of whether a bridge is built, existing roads are expanded, or no new road capacity is added at all. In fact, these different scenarios would result in significant differences in traffic volume that must factor into any meaningful analysis of alternatives. Until this is done, the upgrade alternative cannot be eliminated.

C. Environmental Impacts

An EIS must contain a full and fair discussion of significant environmental impacts and the impacts must be discussed “in proportion to their significance.” Citizens Against Burlington, Inc. v. Busey, 938 F.2d 190, 200 (D.C. Cir. 1991). Here, the DEIS has improperly given short shrift to the impacts to natural resources that would be caused by construction of the Toll Bridge alternative. The DEIS portrays the area’s natural resources as hopelessly compromised by existing development, and suggests, without support, that the Toll Bridge will not significantly compound existing stresses on water quality, wildlife habitat, fisheries, and waterfowl populations. In fact, development restrictions and other carefully targeted policies can help to reduce these stresses on the environment, just as targeted improvements to existing roadways can help to reduce traffic congestion during the peak tourist season and hurricane evacuations. The Toll Bridge, however, would fundamentally alter the ecological and socioeconomic character of the area. The DEIS gives only a superficial analysis of the Bridge’s direct environmental impacts, and perhaps most egregiously, refuses to even acknowledge the significant indirect and cumulative impacts that this project would cause by spurring intensive development along the shifting sands of the North Carolina Outer Banks. A new DEIS should address these issues, as discussed below.

¹² Id. at 39.

¹³ Id. at 39.

1. Indirect Effects

a. Regulatory Background

NEPA and CEQ regulations require the Agencies to consider the “indirect effects” of a proposed action. Dep’t of Trans. v. Public Citizen, 541 U.S. 752, 763-64 (2004). Indirect effects are defined as those effects that are “caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.” 40 C.F.R. § 1508.8(b).

Of particular relevance to this project, indirect effects include induced growth. 40 C.F.R. § 1508.8(b); Mullin, 756 F. Supp. at 917. Other induced growth effects include patterns “of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.” 40 C.F.R. § 1508.8(b). Consideration of induced growth and related issues “furthers the National Environmental Protection Act’s information and public awareness goals.” City of Carmel-by-the-Sea v. United States DOT, 123 F.3d 1142, 1162 (9th Cir. 1997); see also National Wildlife Federation v. Coleman, 529 F.2d 359, 374 (5th Cir. 1976) (indirect impacts of proposed highway included development that would be encouraged around the highway interchanges); City of Davis v. Coleman, 521 F.2d 661, 675 (9th Cir. 1975) (“growth-inducing effects of the . . . Interchange project are its reason d’etre, and with growth will come growth’s problems: increased population, increased traffic, increased pollution.”); Sierra Club, 962 F. Supp. at 1043 (finding that use of the same socioeconomic forecast for the build and no-build alternatives “creates a self-fulfilling prophecy that makes a reasoned analysis of how different alternatives satisfy future needs impossible.”).

b. The DEIS’s Consideration of Induced Growth

The 1998 DEIS for this Project acknowledged that the Bridge would induce a significant increase in development along the Currituck Outer Banks and the rest of the project area. For example, it estimated that “the bridge would allow an estimated 2,473 additional homes along Currituck Outer Banks.”¹⁴ Nevertheless, the 1998 DEIS gave little consideration to the indirect and cumulative impacts caused by the increased development, concluding that the impacts “would be similar for the Bridge and No-Build Alternatives.”¹⁵ Comments from almost every federal and state government agency involved in the project indicated that this conclusion was wrong and that the analysis was inadequate to satisfy the National Environmental Policy Act:

“This project cannot be thoroughly evaluated without a comprehensive discussion of secondary and cumulative impacts.”¹⁶

“[H]urricane evacuation time increase and increased traffic congestion should be included in the secondary and cumulative impacts section. Specifically, the new bridge will promote greater development in a high hazard, storm prone area.”¹⁷

¹⁴ 1998 DEIS at 4-48, Table 4-19.

¹⁵ *Id.* at 4-60.

¹⁶ Comments of Cyndi Bell, NCDENR Division of Water Quality (April 21, 1998).

¹⁷ Comments of C.E. Shuford, US Army Corps of Engineers (May 12, 1998).

The DEIS “appears to base levels of development on the opinions of local realtors.”¹⁸

“[The DEIS] states, ‘The potential for negative impacts to water quality would be similar for the Bridge and No-Build Alternatives.’ . . . we disagree with the above statement. . . .”¹⁹

“The basic issue that must be addressed is whether it is appropriate for NCDOT/FHWA to consider any alternative that would support levels of Outer Banks development incompatible with long-term environmental quality.”²⁰

“The Division continues to be concerned with the secondary and cumulative impacts associated with the bridge alternatives.”²¹

“[T]he ‘No-Build’ alternative would not promote the adverse secondary and cumulative impacts (water and sewer projects and increased traffic on NC 12, which is already at capacity according to NCDOT traffic counts) associated with providing quicker access to the Currituck County Outer Banks.”²²

“The DEIS accurately notes that the project is not likely to directly affect these [endangered] species since no construction is proposed for beach areas. However, the influence of an increased human presence, both as day visitors and seasonal residents, would extend for many miles both north and south of the eastern bridge terminus.”²³

“[I]t should be noted that providing quicker access to Currituck Outer Banks would not only accelerate development but would also promote increased traffic and the potential for water quality degradation resulting from the direct discharge of stormwater from the bridge deck into Currituck Sound. . . . The community’s ability to deal effectively with any increased need for additional water use, wastewater treatment and other infrastructures is a very important part of the success of this proposal and should be considered throughout the planning stages of this project.”²⁴

Twelve years have passed since these comments were submitted on the first DEIS for this project. The new DEIS provides virtually no specific information regarding why any of the above concerns should have lessened. Indeed, the current DEIS now presents less analysis of indirect impacts, making only conclusory statements such as that “[f]orecast development would be the predominant contributor to cumulative impacts, irrespective of whether a detailed study alternative is implemented,” and “the extent of development on the Outer Banks by 2035 would be the same with or without the bridge.” (DEIS xx, Table S-1). The DEIS fails to support this

¹⁸ Comments of Lynn W. Mathis, NCDENR Division of Coastal Management (April 23, 1998).

¹⁹ Comments of Andreas Mager, Jr., National Marine Fisheries Service (April 16, 1998).

²⁰ Comments of Heinz J. Muller, US EPA (April 30, 1998).

²¹ Comments of Sare E. Winslow, NCDENR Division of Marine Fisheries (March 9, 1998).

²² Comments of Franklin T. McBride, NC Wildlife Resources Commission (April 27, 1998).

²³ Comments of Nicholas L. Graf, US Fish and Wildlife Service (May 28, 1998).

²⁴ Comments of Melba McGee, Environmental Review Coordinator, NCDENR (April 29, 1998).

assertion or to present an adequate analysis of the significant secondary and cumulative effects that clearly would result from building the Toll Bridge.

The DEIS's brief analysis of induced development is internally inconsistent, seemingly claiming that the transportation improvements described in the DEIS would both facilitate development and have no effect on development. On the one hand, it maintains that "lack of transportation improvements and associated growing congestion could constrain development under the No-Build Alternative." But at the same, the DEIS claims that "transportation improvements have little effect on the demand for and rate of development," and in any event, the project area "is already largely developed." (DEIS 3-89.) The DEIS does not clarify the meaning of "developed." Recent estimates, however, put the total number of vacation rental properties along the Outer Banks north of the Wright Memorial Bridge at approximately 4,500. So if the DEIS is correct in its prediction that the area is already "largely developed," the construction cost of the Toll Bridge comes to well over \$100,000 per vacation rental property serviced.²⁵

The various sources cited by the DEIS indicate that the project area is not intensively developed. According to the Currituck County Land Use Plan (hereinafter "2006 Land Use Plan"), "the northern Outer Banks area contained a total 3,100 residential lots," of which "436 (15%) were developed,"²⁶ leaving significant room for development to be encouraged. The DEIS cites population and growth estimates from the 2006 Land Use Plan as support for its conclusion that the Toll Bridge "would not notably contribute to cumulative impacts." (DEIS 3-96.) But the 2006 Land Use Plan predicts that "the Mid-County Bridge will have a huge influence on development patterns throughout much of Currituck County," and that "pressure for additional development in Corolla and especially Carova will increase dramatically with improved access to these two areas."²⁷ Similarly, the DEIS reports that a "Vision Plan" for the area does "not indicate a net increase in overall business or residential development on the Outer Banks related to the detailed study alternatives." (DEIS 3-91.) In fact, the "Vision Plan" makes the vague assertion that "Corolla and Carova are fairly well developed already," but it further warns that "[c]urrently, there does not exist proper infrastructure to support the quantity and type of businesses the Mid-Currituck Sound Bridge will draw—access to central water and sewer, garbage collection, effective stormwater management, and the Internet" These infrastructure needs, like the Bridge's other indirect impacts, similarly receive less consideration in the current DEIS than in the 1998 version of the document.

The DEIS claims that the bridge would not affect the level of development on the Currituck Outer Banks in part because existing area land use plans would limit any such growth. According to the DEIS, "current development regulation and past trends associated with implementation of these plans are indicative of the local jurisdictions' commitments to implement these plans as they stand." (DEIS 3-89.) The Transportation Agencies made a similar claim in the Mullin case to defend their conclusion that a "new bridge will not spur significant

²⁵ See N.C. Turnpike Authority, the Mid-Currituck Development Group, and Arup. Mid-Currituck Sound Bridge Phase II Research Study, at 6 (Oct. 12, 2009) ("

²⁶ Currituck County. 2006 Land Use Plan. (Cert. by Coastal Resources Commn. Sept. 25, 2008) *available at*: <http://www.co.currituck.nc.us/documents-plans.cfm>

²⁷ 2006 Land Use Plan at 5-6.

increased development at Sunset Beach.” Mullin, 756 F. Supp. at 921. In no uncertain terms, the Federal District Court for the Eastern District of North Carolina rejected the Agencies’ suggestion that land use regulations would remain static, calling it “so utterly devoid of common sense and inconsistent with NEPA that it cannot be taken seriously.” Id. The court went on to conclude that it “did not need plaintiffs’ experts to tell it that zoning changes inevitably follow development pressures. To believe otherwise is to ignore reality.” Id. The DEIS nevertheless repeats this approach, failing to take the requisite “hard look” at the environmental impacts of growth induced by the bridge.

The DEIS indicates that the Transportation Agencies have a responsibility to “minimize impacts associated with the US 158/Mid-Currituck Bridge Interchange itself,” but otherwise the “significant cumulative effects . . . associated with continued development . . . would be the responsibility of Currituck County.” (DEIS 3-97.) This is a derogation of the Agencies’ analysis and disclosure duties under NEPA. The Agencies should issue a new DEIS that evaluates all of the likely indirect effects of the Toll Bridge versus other alternatives, and also identifies and discusses available mitigation strategies.

2. Significant Impacts on Natural Resources

Laboring under the assumption that the Toll Bridge would not cause any additional development along the Outer Banks, nor even attract any additional day visitors, the DEIS completely ignores some of the most significant impacts associated with the Toll Bridge. As one court has explained, for an agency “to ignore the indirect effects that result from its actions would be to . . . wear blinders that Congress has not chosen to impose.” Riverside Irr. Dist. v. Andrews, 758 F.2d 508, 512 (10th Cir. 1985). Here, the DEIS fails to adequately address and evaluate the likely substantial impacts, including the indirect effects of induced traffic and development, on the following significant natural resources:

a. Impacts to Waterfowl

The DEIS does not adequately address adverse impacts on waterfowl in Currituck Sound, given the area’s significance as waterfowl habitat, especially for large numbers of wintering and migrating birds. Currently, the DEIS focuses more on the history of waterfowl use of the area, rather than on future effects of the Toll Bridge on waterfowl. On page 3-39, the DEIS reports reductions in waterfowl numbers as if it were a reason to give less consideration to the needs of waterfowl, instead of acknowledging that development impacts have contributed to much of the previous decreases and the development stimulated by the Toll Bridge would further contribute to the decline of waterfowl populations in the area. The proposed bridge is likely to directly reduce or remove habitat, including foraging areas, for waterfowl through the loss of wetlands and the birds’ food sources found there. It would also pollute the waters used by waterfowl with runoff from the bridge and roads. The increased traffic, with its accompanying increased activity, noise, and potential for direct collisions between birds and vehicles, could disturb waterfowl, fragmenting and reducing the area’s utility as resting and wintering habitat, and eventually causing sensitive species to abandon the area altogether. Among the birds that will be affected are waterfowl (including ducks, geese, swans, etc.), waterbirds (including ospreys and various species of terns), shorebirds (including plovers and sandpipers), marsh birds (including

rails and bitterns), wading birds (including herons, egrets, and ibis), and the occasional bald eagle.

These effects should be acknowledged and examined. The DEIS should also consider construction methods and technologies to discourage birds from perching and nesting on or around the bridge itself, in order to reduce the likelihood of collisions.

b. Fisheries

The DEIS fails to adequately support its conclusion that the Toll Bridge “would not have a substantial long-term adverse impact” on designated fisheries and submerged aquatic vegetation (SAV) habitat in the area. (DEIS 3-50.) In fact, it presents information that is inconsistent with this conclusion. For example, the Essential Fish Habitat Technical Report notes that the bridge would “introduce a new source of pollution (via bridge runoff)” that may justify various mitigation measures as the “amount of runoff and associated impacts to water quality are dependent upon the method implemented to manage bridge runoff.”²⁸ At the same time, the report indicates that it assumes no mitigation measures would be in place to treat runoff, yet without further discussion of the amount of runoff and associated impacts to water quality that would occur under that scenario, it concludes that no substantial long-term effects would result. With respect to secondary and cumulative impacts of the Bridge on fish habitat, the DEIS and its supporting documents again fail to acknowledge factors, such as increased storm water run-off, increased erosion, increased wetlands fill for commercial and residential structures, and overfishing, related to increased access to the area, nor is there any discussion of possible mitigation strategies.

c. Currituck National Wildlife Refuge, Natural Heritage Areas and other environmentally significant areas

The DEIS includes inadequate analysis of impacts on numerous barrier island areas and ecosystems in the vicinity of the Project that are environmentally significant. Thousands of acres of pristine coastal habitat are maintained for the public’s enjoyment by numerous groups, including the federal and state governments, the National Audubon Society, the Nature Conservancy, and other non-profits. The areas include Currituck National Wildlife Refuge, Pine Island Audubon Sanctuary, Nature Conservancy land, Currituck Banks National Estuarine Reserve, and at least ten other Natural Heritage Areas. They provide habitat for the federally protected sea turtles and other species listed on p. 3-53 of the DEIS, as well as the many bird species listed above in section C(3)(a), wild horses, deer, fox, raccoons, wild hogs, etc. The remoteness and abundance of wilderness are clearly an important part of the reason people live in and visit the area. Besides the many nature preserves and natural areas listed above, other tourist attractions also center around outdoor activities like kayaking, hiking wilderness trails, visiting the Outer Banks Center for Wildlife Education, viewing the local wild horse herd, bird watching, etc.

²⁸ CZR Incorporated. Essential Fish Habitat Technical Report (November 2009) at 24, available at www.ncturnpike.org

Construction of a Toll Bridge would adversely impact these areas and attractions, and reduce not only the quality of the experience for visitors but also the economic vitality of the nature-related tourism industry, through increased traffic, encroaching development in or near the natural areas, and the accompanying noise, water and air pollution, wildlife habitat fragmentation and degradation, etc. For those areas north of the end of NC 12, the impacts would also include either increased traffic on the fragile beach or the construction of a paved road access (for instance, an extension of NC 12) through the pristine natural areas. Depending on the tide and the state of the beach, many vehicles per day drive on the beachfront section of the National Wildlife Refuge, already degrading the beach and disrupting any wildlife attempting to nest, forage, or rest there. Additional driving on the Refuge and beach areas would further degrade those resources.

These impacts should be acknowledged and examined in more detail. Currently, the DEIS acknowledges the existence of some areas, but focuses primarily on the Natural Heritage Areas in the immediate project area and barely assesses the effects on them at all. Table 3-5 purports to contain an analysis of "Permanent Impacts to Biotic Communities," but groups communities in large categories and presents the information in a cursory manner with little underlying data. In so doing, the DEIS fails to enable a reader to evaluate the analysis and conclusions and to comment on it, in violation of NEPA.

d. Wildlife Habitat In Maple Swamp

The DEIS's analysis of impacts on ecologically significant areas on the mainland side of the Sound is also inadequate. Most notably, the large area known as Maple Swamp and its unique Gordonia forest would be bisected by any of the options that involve construction of a Toll Bridge, either by construction of a road on fill or by bridging it. Although the forest has been degraded already by logging and clear-cutting, this fact is not clearly acknowledged in the DEIS. This past degradation is not justification for downplaying the Toll Bridge's impacts on the area, but rather a reason for increased concern and protective measures. Among other issues, the recent clear-cutting will cause more severe flooding in the area of the planned bridge terminus.

Further degradation of the forest and of wildlife habitat – through fragmentation, runoff pollution, etc. – are likely significant effects of the project. The DEIS discusses briefly a plan for providing wildlife passage under a road through pipes and culverts, but does not explain, for instance, how these would be useful to wildlife when they are filled with water. In general, the DEIS provides scant analysis of these effects, and any proffered mitigation, that is insufficient to pass muster under NEPA.

e. Air Quality

The DEIS dismisses air quality concerns, particularly regarding mobile source air toxics, without sufficient support. The DEIS reasons that the Toll Bridge would actually improve air quality because it would reduce vehicle miles traveled and congestion. As discussed above, however, the traffic projections for this project are not credible. If past experience and peer-reviewed traffic studies are any indication, the Toll Bridge would generate higher traffic volumes and congestion would meet or exceed current levels within a few years. The added capacity of the Toll Bridge, however, would mean that the traffic jams involve more cars, and more sources

of mobile source air toxics, as well as carbon monoxide and other pollutants which tend to accumulate in areas with large concentrations of traffic, creating "hot spots" of contamination. A new DEIS should consider these air quality effects, based on a realistic analysis of future traffic with the Bridge. In particular, it should examine air quality impacts in the immediate vicinity of the planned interchange of US 158 and the Toll Bridge.

II. WATER QUALITY

A. Regulatory Background

The Clean Water Act (CWA) prohibits the discharge of any pollutant by any person into waters of the United States unless such discharge is made in compliance with various CWA sections, including section 404. 33 U.S.C. §§ 1251 et seq. Section 404 establishes a permit program to regulate the discharge of fill material into waters of the US and is overseen by the Corps of Engineers. Central to the permit decision process is whether the proposed discharge activities will comply with the CWA § 404(b)(1) guidelines (40 C.F.R. § part 230). If it does not, a permit will be denied. 33 C.F.R. § 320.4(a)(1).

The guidelines provide that discharges will not be permitted if there is a practicable alternative to the proposed discharge that would have less adverse impact on the aquatic ecosystem. 40 C.F.R. § 230.10(a). An alternative is "practicable" if it is available and capable of being done after taking into account cost, existing technology, and logistics in light of overall project purposes. 40 C.F.R. § 230.10(a)(2). The section 404(b)(1) alternatives analysis overlaps significantly with the NEPA alternatives analysis. Under the section 404(b)(1) guidelines, it will be presumed that there are practicable alternatives to discharge activity that occurs in but is not dependent upon wetlands or waters of the U.S. 40 C.F.R. § 230.10(a)(3); see also Buttrey v. United States, 690 F.2d 1170, 1180 (5th Cir. 1982).

B. The DEIS's Consideration of Water Quality Impacts

The DEIS estimates that construction of the recommended Toll Bridge alternative would require filling between forty to fifty-two acres of wetlands. The DEIS also recognizes that run-off from the bridge platform would impact water quality in the Currituck Sound, although it fails to adequately quantify and analyze these impacts. These impacts on wetlands require a Section 404 permit from the U.S. Army Corps of Engineers. Due to the deficient alternatives analysis, as discussed above, the DEIS provides an insufficient basis to conclude that, "in light of overall project purposes," the Toll Bridge qualifies as the least environmentally damaging practicable alternative. 40 C.F.R. § 230.10(a)(2).

The DEIS also fails to adequately disclose and consider water quality impacts. According to the DEIS, water quality in the project area already "is undergoing substantial degradation because of the area's increasing population, changes in agricultural practices, and urbanization and industrialization of the region." (DEIS 3-28.) The DEIS indicates that these phenomena will continue, irrespective of whether the Bridge provides a new point of access to the Outer Banks. "Impacts to salinity, water supply and wastewater treatment should not result from any of the detailed study alternatives," according to the DEIS. (DEIS 3-29.) The DEIS fails

to support this claim, and indeed, mischaracterizes the project's likely effect on water quality, ignoring altogether secondary and cumulative effects on water quality.

The DEIS intimates that water quality in the project area has declined to a point where any additional contaminants introduced as a result of the Bridge would lack an independent significance. But a recent decline in the water quality of Currituck Sound and the rest of the Albemarle-Pamlico estuarine system demands greater, not less, consideration in the DEIS of how this project would contribute to water pollution. By exacerbating existing stresses to the system, the Bridge's impacts may have a greater effect on overall water quality than if they occurred in isolation. Moreover, the DEIS exaggerates the extent of the existing degradation, shifting the frame of reference from the project area ("closed to harvesting shellfish"), to waters "within 1.0 mile downstream of the project area" (not classified as "High Quality Waters"), to the area "crossed by the detailed study alternatives" (not designated as an "Anadromous Fish Spawning Area"). (DEIS 3-28.) In reality, while existing development in the project area has affected water quality, the Currituck Sound and the waters feeding into it continue to serve important ecological functions, supporting fisheries and wildlife habitat, which in turn support important tourism and recreational interests. A new DEIS should adequately address how the bridge could impact these interests, and identify appropriate mitigation measures.

In order to adequately address water quality impacts, the DEIS must include a rigorous analysis of secondary and cumulative impacts. This should include consideration of the increased storm water run-off caused by development in the area, and specific abatement measures to control storm water run-off, as well as the costs associated with those measures. A new DEIS should also address sewage and water treatment issues, particularly along the Outer Banks. According to the 2006 Land Use Plan, over 95% of residents rely on "individual on-site wastewater systems," i.e. septic tanks, even though "soils with severe septic system limitations dominate the County."²⁹ According to the plan, "failing septic systems" are a problem, with significant numbers of households drawing their potable water from individual wells, which are susceptible to cross-contamination. Individual wells are the only source of water in the Carova area. Water treatment facilities serve other parts of the project area, such as Corolla, but demand already meets the available capacity. A new DEIS should discuss the economic and ecological costs of providing water and sewage service to new development facilitated by the Bridge.

III. THE COASTAL BARRIER RESOURCES ACT

First passed in 1982 and subsequently strengthened in 1990, the Coastal Barrier Resources Act (CBRA) is intended to "minimize the loss of human life, wasteful expenditure of Federal revenues and the damage to fish, wildlife, and other natural resources associated with the coastal barriers . . . by restricting future Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers." 16 USCS § 3501(5)(b). The Act establishes the John H. Chafee Coastal Barrier Resources System, which designates specific areas as undeveloped coastal barriers. Both the lands and adjacent wetlands above and below the terminus of the Mid-Currituck Bridge are listed as units in the Barrier Resources System. Roughly ten miles separates Unit NC-01, which encompasses Pine Island to the north of Duck, and Unit L01P, which begins at the end of NC 12 north of Corolla. According to the Act, "no

²⁹ 2006 Land Use Plan at 5-5.

new expenditures or new financial assistance may be made available under authority of any Federal law for any purpose within the System, including . . . the construction or purchase of any road, . . . or bridge or causeway to, any System unit.” 16 USCS § 3504(a)(2).

The Mid-Currituck Bridge is inconsistent with the CBRA. While the Bridge would not directly enter into areas designated under the Act, it would support development in those areas. Federal courts have read the Act to mean that “[f]urther federal assistance, with certain limited exceptions, for development within or access to those areas is banned.” Cape May Greene, Inc. v. Warren, 698 F.2d 179, 189 (3d Cir. 1983) (emphasis added). The exceptions carved out in the Act apply to “maintenance” and “replacement” of “essential links,” in the transportation network, such as the Bonner Bridge. In contrast, this project would provide a new link to areas that, according to the U.S. Fish and Wildlife Service, “were made ineligible for direct or indirect Federal financial assistance that might support development.” The DEIS relegates its discussion of the Act, and the disclosure of much of the project study area’s status, to section 5.7.5 of a “Community Impact Assessment Technical Report.” That report acknowledges that the listed areas include “lands in private ownership,” but fails to explain how this project would not promote development that is inconsistent with the CBRA.

IV. COASTAL ZONE MANAGEMENT ACT

Congress enacted the Coastal Zone Management Act to help coastal states preserve, protect, and develop the nation’s coastal areas. 16 U.S.C. § 1452. North Carolina’s Coastal Area Management Act (“CAMA”), N.C. Gen. Stat. §§ 113A-100 et seq., furthers those objectives.

As the implementing regulations explain:

(c) The 1974 Legislature found that “the coastal area, and in particular the estuaries, are among the most biologically productive regions of this state and of the nation,” but in recent years the area “has been subjected to increasing pressures which are the result of the often conflicting needs of society expanding in industrial development, in population, and in the recreational aspirations of its citizens.”

(d) “Unless these pressures are controlled by coordinated management,” the act states, “the very features of the coast which make it economically, aesthetically, and ecologically rich will be destroyed.”

15A N.C. Admin Code 07H.0102(c)-(d). The regulations go on to explain that, “[t]o prevent this destruction,” the act calls for the identification of “types of areas – water as well as land – in which uncontrolled or incompatible development might result in irreversible damage,” with the goal being to “ensure the compatibility of development with the continued productivity and value of certain critical land and water areas.” 15A N.C. Admin Code 07H.0102(e).

Under CAMA, coastal counties are required to adopt land use plans, and the Coastal Resources Commission may designate “Areas of Environmental Concern,” or “AECs,” where unpermitted development is prohibited. N.C. Gen. Stat. §§ 113A-110, 113. Local area land use plans, once approved, become part of the North Carolina Coastal Management Plan that is overseen by the North Carolina Division of Coastal Management.

In AECs, development requires permits and the Division of Coastal Management “shall deny an application for a permit upon finding . . . that the proposed development would contribute to cumulative effects that would be inconsistent” with the objectives of the Act, such as protecting against “significant adverse effect on the conservation of public and private water supplies,” and “significant adverse effect on wildlife or fresh water, estuarine or marine fisheries.” *Id.* at § § 113A-120(a)(10); 113-229(e). Under federal regulations, before making a final decision on an action such as the proposed project, the federal agency must assess whether it is consistent with area land use plans and notify the North Carolina Division of Coastal Management (“NCDCM”). 15 C.F.R. §§ 930.36, 930.41.

As the DEIS explains, a “CAMA major permit would be required for all of the detailed study alternatives.” (DEIS 3-49.) According to the DEIS and its supporting documents, failure to build the bridge would be inconsistent with area land use plans. But while some area land use plans cite construction of the Mid-Currituck Bridge as an express transportation objective, the Toll Bridge would also impact AECs directly and by subsequent development activities. If a development project violates general or specific use standards for an AEC, a permit must be denied, even if local land use plans include the project.

The DEIS relies on the statistic that AECs “encompass less than 3 percent of the land covered by CAMA in North Carolina’s 20 coastal counties”³⁰ to justify the short shrift it gives impacts on them. AECs, however, are prevalent in the vicinity of this project. Under CAMA, there are four categories of AECs: the estuarine and ocean system (15A N. C. Admin. Code 07H.0200), the ocean hazard system (15A N. C. Admin. Code 07H.0300), public water supplies (15A N. C. Admin. Code 07H.0400), and natural and cultural resource areas (15A N. C. Admin. Code 07H.0500). The 2006 Land Use Plan recognizes “two categories of AECs . . . the estuarine system AECs and ocean hazard system AECs.”³¹ In its CAMA section, the DEIS acknowledges that AECs in only the first category exist in the immediate Project area, that is, the “estuarine and ocean system” subcategories of coastal wetlands, estuarine waters, coastal shorelines, and public trust coastal waters and submerged lands, but the DEIS does not even show where these areas are located on the various maps presented in its various reports. (Compare DEIS at 3-48 to 3-49 with 2006 Land Use Plan, Map 3.1.)

The DEIS fails to adequately evaluate even the direct impacts of the Toll Bridge on estuarine AECs it acknowledges. In particular, CAMA requires that “uses” of estuarine waters, such as the dredging and fill associated with the Toll Bridge, be “consistent with the management objectives of this rule.” 15A N.C. Admin. Code 07H .0206(d). The management objective of the estuarine waters rule is “[t]o conserve and manage the important features of estuarine waters so as to safeguard and perpetuate their biological, social, aesthetic, and economic values.” 15A NCAC 07H .0206(c)-(d). The DEIS fails to address the apparent inconsistency between the Toll Bridge and this objective, or explain the plan for complying with those standards.

³⁰ Parsons Brinckerhoff. Community Impact Assessment Technical Report (Nov. 2009), at 5-33 *available at* www.ncturnpike.org

³¹ 2006 Land Use Plan, p.3-3.

Further, the DEIS declines to mention that land use plans designate “virtually Currituck County’s entire oceanfront coastline,” as “ocean erodible area” (the other category of AEC listed in the 2006 Land Use Plan) that is “subject to longterm erosion and significant shoreline changes.”³² The DEIS claims that “the greatest impact to Coastal Area Management Act (CAMA) resources . . . would be associated with shading by a Mid-Currituck Bridge,” but this claim is not adequately supported. As discussed above, the secondary effects of this project would extend far beyond these limited direct impacts. The 2006 Land Use Plan identifies far more AECS and other sensitive areas that would be affected. For instance, Map 3.5 of the Plan shows the many environmentally fragile areas in close vicinity to the Toll Bridge, including anadromous fish spawning areas and significant Natural Heritage Areas, while Map 3.6 indicates that much of the county land qualifies as environmental hazard Class III, where “the impact of development may cause serious damage to the function of natural systems.”³³ Copies of these maps are enclosed. Ignoring or downplaying the impacts to these areas is inconsistent with the goals of CAMA.

In addition to falling short of the requirements under NEPA, the DEIS does not adequately consider how these impacts may undermine area land use plans for the purposes of state and federal coastal management laws. In fact, as described elsewhere in these comments, the direct and indirect impacts on these areas, including areas designated as Ocean Eroding Areas, would be significant. For instance, just as a new bridge would surely enable access and increase development north of Corolla and Carova, it would increase the number of vehicles driving on the beach to access the houses (both existing and new) that are located north of the end of NC 12, which would increase erosion on the fragile barrier island shoreline. Already, “the Swan Beach area midway between Carova Beach and Corolla has higher erosion rate factors ranging from 4.5 to 8.5 feet/year,” according to area land use plans.³⁴ Although the General Use Standards for Ocean Hazard Areas do not specifically ban driving on the beach, development in these areas must comply with management objectives that include “preserving the natural ecological conditions of the barrier dune and beach systems.” 15A N.C. Admin. Code 07H.0303, .0306(f). In this and other ways, building a bridge would encourage development and traffic that is inconsistent with the goals of CAMA. The DEIS fails to acknowledge these apparent planning conflicts, or to explain why the Toll Bridge should nevertheless qualify for a CAMA permit.

V. CLIMATE CHANGE

The DEIS acknowledges that “potential accelerated sea level rise resulting from climate change” will likely affect the project area in a significant way. (DEIS 3-64) But the DEIS analysis of climate change related impacts is incomplete and misleading. Climate change will make the North Carolina Outer Banks less hospitable to human development and an even more inappropriate situs for massive infrastructure like the Toll Bridge. EPA’s recent finding that greenhouse gases “endanger both the public health and the public welfare of current and future generations” was based in part on the impacts of climate change on coastal areas. The agency

³² Id.

³³ Id. at 3-8.

³⁴ Id. at 3-16.

cites “evidence that Atlantic hurricanes have already become more intense,” as well as “increased risk of storm surge and flooding in coastal areas from sea level rise and more intense storms,” and “adverse impacts from sea level rise such as land loss due to inundation, erosion, wetland submergence, and habitat loss.” 74 Fed. Reg. 66496, 66498 (December 15, 2009). The cost of rebuilding, relocating, and fortifying existing development to cope with these impacts is already projected to be monumental. By encouraging additional development in the areas most vulnerable to climate change, the Toll Bridge would add to these liabilities.

As one joint federal agency analysis recognizes, “choices made today about the location and design of transportation infrastructure can have a large impact on the feasibility and cost of accommodating rising sea level in the future.”³⁵ Yet while the DEIS and its technical report acknowledge that climate change will cause significant sea level rise in the project area, including permanent inundation of much of the project area, the Transportation Agencies arrive at the absurd conclusion that “a Mid-Currituck Bridge would be a useful asset in reducing the impact of sea level rise on the project area’s road system.” This is because, unlike much of the rest of the road system, it would remain above water, and therefore provide “the only way off the Currituck County Outer Banks.” (DEIS 1-7.) This logic is flawed. By stimulating investment in road capacity and other infrastructure that would eventually remain permanently under water, the Toll Bridge would worsen the impacts of climate change. A new DEIS should include an objective analysis of the costs associated with these impacts, including the threat of hurricanes to intensive development in the area, increased bridge maintenance costs, reduced availability of fresh water and developable land on the Outer Banks, and other factors that would all seem to militate against the construction of a \$600 million bridge to the area.

CONCLUSION

We request that the Transportation Agencies revise their analysis of alternatives and impacts according to the recommendations set forth herein and issue a revised Draft *Environmental Impact Statement* for public review and comment.

³⁵ James G. Titus, USEPA. “Preparing for Sea-Level Rise” in Coastal Sensitivity to Sea-Level Rise: A Focus on the Mid-Atlantic Region. (2009), at 150, available at <http://www.climate-science.gov/Library/sap/sap4-1/default.php>

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March 12, 2012

Ms. Jennifer Harris
NC Turnpike Authority
1 South Wilmington Street
Raleigh, NC 27601
midcurrituck@ncdot.gov

Re: Final Environmental Impact Statement for Mid-Currituck Bridge NCDOT STIP
Project : R-2576, FHWA Federal Aid Project No. BRSTP-000S (494)

Dear Ms. Harris:

On behalf of the North Carolina Wildlife Federation, Environmental Defense Fund and the Wilderness Society, the Southern Environmental Law Center ("SELC") submits these comments on the above-referenced Final Environmental Impact Statement ("FEIS"), prepared by the North Carolina Turnpike Authority ("NCTA"), a division of the North Carolina Department of Transportation, and the Federal Highway Administration (the "Transportation Agencies").

On behalf of the above listed groups, SELC submitted comments on the Draft EIS in June, 2010. Since this time the Transportation Agencies have made some steps towards minimizing impacts to the important natural resources in the study area. Unfortunately, however, these steps do nothing to cure the underlying fact that the huge cost of this project, both financially and in terms of its devastating environmental impacts, is in no way justified by any demonstrated need.

Additionally, the FEIS fails to cure many of the flaws, omissions and mis-statements of the draft document. Accordingly, the comments below reiterate many of the concerns we expressed in our previous comments of June 7, 2010. In light of these fundamental deficiencies, we request that the Transportation Agencies not issue a Record of Decision ("ROD") based on this document. Rather, given the lack of a guaranteed financial plan for this project, the public opposition to it, and the devastating impact that construction will have on the environment, we urge the Transportation Agencies to reconsider whether it is the best use of the State's scarce resources.

If the Transportation Agencies determine that it is advisable to move forward with this project, we request that they initiate a new environmental review process and create a supplemental EIS that thoroughly examines a reasonable range of alternatives, including upgrades to the existing road system that would adequately meet any supposed need for this project and that would be far less costly and damaging than construction of a new seven-mile

bridge. Further, we ask that the EIS properly investigate the impacts of the project, including an analysis of indirect impacts that examines impacts from a true No-Build scenario, rather than comparing “building the bridge” with “building the bridge.”

Financing Status

A number of alternatives, including upgrades to the existing highway system, are available to meet the transportation needs in the study area. Driving the selection of a new bridge alternative, however, is a plan of finance that depends on tolling and other state and federal funding mechanisms. It is important to note from the outset, therefore, that the current financial status of the Bridge is in no way assured.

Construction of the Mid-Currituck Bridge would be hugely expensive, with current cost estimates being placed at over \$500 million. (FEIS at xvi). This is money that North Carolina currently does not have to spend. A recent assessment of the State’s transportation infrastructure suggests that over the next 30 years North Carolina would need to spend almost \$160 billion to meet the growing transportation needs of the evolving state.¹ Current revenue sources simply do not meet these needs,² and thus the State must, at this time, step back, reevaluate prior funding plans, and finance only those projects that serve the most pressing transportation needs. As discussed in more detail below, there is no such pressing need for a second, duplicative bridge to the section of the Outer Banks to be served by the Mid-Currituck Bridge.

Various mechanisms of financing the Mid-Currituck Bridge have been proposed over the years. The project has long been suggested as North Carolina’s first venture into a Public Private Partnership (“PPP”), with the Spanish Conglomerate Grupo ACS identified as the projected partner. Recently, however, the Turnpike Authority has indicated that this method of financing the project may be abandoned.³

As expected from a project pursued by the Turnpike Authority, one of the primary sources of revenue expected to fund the project will come from tolls. Indeed, as explained in more detail below, the collection of such tolls has been a primary force driving the selection of bridge construction over less environmentally damaging alternatives centered on upgrades to the existing highway system. A traffic and revenue study focused on the toll collection was published in July, 2011. This study indicates that, in order to be financially viable, toll rates will

¹ North Carolina Department of Transportation, Draft Report, System Inventory and Modal Needs at ix Dec. 2012 (on file with SELC and NCDOT).

² North Carolina Department of Transportation, Challenges and Opportunities Report at ES-ix, Sep. 2011 available at http://www.ncdot.org/download/performance/2040_ChallengeOpp.pdf.

³ North Carolina Turnpike Authority, Press release, Turnpike Authority Publishes Final Environmental Impact Statements for Mid-Currituck Bridge, Jan. 19, 2012, available at <https://apps.dot.state.nc.us/pio/releases/details.aspx?r=5935>.

need to be as high as \$28 per trip.⁴ Toll rates this high for other similar projects have been previously presented as unmanageable by NCDOT,⁵ and it is unclear whether tourists will really be willing to pay such a huge toll to save 1-2 hours of time.

Generally, toll projects have a high rate of failure, and traffic and revenue studies almost always overstate potential revenues. A recent study of toll road projects across the nation found them to average less than half the anticipated revenues.⁶ The seasonal, weekend focused, nature of the anticipated travel on the Mid-Currituck Bridge makes future usage even more difficult to predict. Moreover, even if toll revenues do live up to expectations, they will cover less than half of the required cost of construction.

Given the likelihood that tolls will not cover the cost of the whole project, NCTA has attempted on multiple occasions to secure federal Transportation Infrastructure Finance and Innovation Act ("TIFIA") loans for the projects. These attempts have failed each time, however, with the federal government declining to finance the project. Financing for the project will depend on non-toll state money: "gap" funding was secured by the North Carolina legislature in the form of an annual appropriation of \$15 million, rising to \$28 million annually after two years.⁷ During the 2011 legislative session, groups of local opponents made several trips to the legislature to voice their opposition to the Bridge. Having listened to this opposition and reviewed the assorted issues associated with the project, the North Carolina Senate was poised to eliminate entirely its "gap" funding, and instead focus those funds on maintenance of the existing highway system.⁸ Ultimately, the legislature settled on a budget that restored the funding for the project. However, legislators remain substantially concerned about the project and funding may be eliminated entirely in the upcoming legislative session. If the "gap" funding does remain in place, it will saddle the next two generations with the debt of this project, and over time will cost over \$1 billion of state tax-payer money.⁹

⁴ See Currituck Development Group, Mid-Currituck Bridge Final Report Traffic and Revenue Forecasts at 1, July 2011, available at <http://www.ncdot.gov/projects/midcurrituckbridge/download/MCBTrafficRevenueForecastsFinalJuly2011.pdf> [hereinafter Traffic and Revenue Study].

⁵ See Revised Final Section 4(f) Evaluation, NC 12 Replacement of Herbert C. Bonner Bridge (Oct. 9, 2009), Appendix G 13-14, available at <http://www.ncdot.gov/projects/bonnerbridgerepairs/download/RevisedFELS.pdf> (attached).

⁶ See Terry Maynard for the Reston Citizens Association, Wilbur Smith Associates' Traffic and Revenue Forecasts: Plenty of Room for Error (Jan. 27, 2012) available at <http://www.scribd.com/doc/79582705/RCA-Study-Wilbur-Smith-Traffic-and-Revenue-Forecasts-012712>; see also NATIONAL COOPERATIVE HIGHWAY RESEARCH PROGRAM, SYNTHESIS 364, Estimating Toll Road Demand and Revenue (2006), available at http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_syn_364.pdf; Jason Lemp, Understanding and Accommodating Risk and Uncertainty in Toll Road Projects: A Review of the Literature (2009) (attached).

⁷ N.C. Gen. Stat. § 136-176 (b2).

⁸ *Highlights of the House, Senate and Perdue Budgets*, Charlotte Observer, May 25, 2011, available at <http://www.charlotteobserver.com/2011/05/25/2324080/highlights-of-senate-house-perdue.html> (attached).

⁹ N.C. Gen. Stat. § 136-176 (b2).

Given the serious shortfall in transportation resources currently facing North Carolina, it is essential that scarce resources be spent wisely. As the FEIS makes plain, there are other less expensive and less destructive options to building this \$500 million bridge, which will largely benefit out-of-state residents. There are also far more pressing needs for the State's limited transportation funds to be spent elsewhere. As a number of commenters have observed,¹⁰ transportation resources could be spent more prudently, such as by pursuing much needed long-term transportation solutions for the Outer Banks, including the "long bridge" option for the Bonner Bridge replacement.¹¹

A Realistic Baseline

Regulations promulgated by the Council on Environmental Quality ("CEQ") require each EIS to include "the alternative of no action," 40 C.F.R. § 1502.14(d); § 1508.25(b)(1). This alternative should be presented in a comparative fashion so as to "sharply defin[e] the issues and provid[e] a clear basis for choice among options by the decisionmaker and the public." 40 C.F.R. § 1502.14. A true "No-Build" scenario then should present a clear picture of what would occur if the Mid-Currituck Bridge were not to be built. All impacts that result from building the Bridge should be based from this "No-Build" baseline and should be reported and analyzed accordingly.

The current FEIS does not follow this common-sense methodology. Rather than using a "No-Build" scenario as the baseline from which to calculate impacts, the EIS implicitly uses a "Build" scenario. The analysis of alternatives and impacts is based on a scenario that assumes "full build-out" of commercial and residential development¹² despite the fact that "full build-out" is only expected to occur if the bridge is constructed. Relying on this flawed baseline, the EIS repeatedly reports that construction of a seven mile bridge out to a remote barrier island would result in no induced growth or development on the barrier island, while simultaneously reporting that failure to construct the bridge would inhibit development.¹³ These conclusions defy logic and common sense. If failure to construct the bridge would discourage growth, construction of the bridge must be supposed to encourage growth.

Not only is the EIS itself a self-contradictory document in this respect, but other documents prepared by the Transportation Agencies also repeatedly acknowledge that construction of the Mid-Currituck Bridge *will* encourage growth. For example, the Traffic and Revenue study states that construction of the bridge "could greatly facilitate the continued

¹⁰ See, e.g., Stakeholder Involvement FEIS Technical Report at 4-13, 4-27.

¹¹ Final Environmental Impact Statement and 4(f) Evaluation, NC 12 Replacement of Herbert C. Bonner Bridge at 2-81- 2-101, (Sep. 17, 2008) available at <http://www.ncdot.org/projects/bonnerbridgerepairs/>

¹² See, e.g., Stakeholder Involvement FEIS Technical Report at 3-12 (explaining that "the project's traffic forecasts assume full build-out of the NC 12-accessible Outer Banks north of US 158 in Dare and Currituck counties.")

¹³ See, e.g., Mid-Currituck Bridge, FEIS at 3-107-3-114; Stakeholder Involvement FEIS Technical Report at 3-11-3-13.

growth within the area.”¹⁴ The report explains that the bridge “will significantly increase the level of access to this key vacation destination.”¹⁵ Indeed, presumably in an attempt to reassure potential bond rating entities about the revenues that the project could be expected to generate, the report goes as far as to state that “the project presents a unique marketing opportunity to leverage the existing Outer Banks travel/tourism industry with tailored marketing strategies to highlight substantial travel time savings, cost savings, and increased accessibility to this beautiful and unique destination.”¹⁶

Thus, when it comes to examining environmental impacts, the Transportation Agencies would have us believe that construction of the Mid-Currituck Bridge would make not the slightest of differences to development. However, when attempting to justify the need for the project, or make clear that substantial toll revenues will be generated as a result of construction, the Transportation Agencies make clear that construction of the Bridge is an important mechanism to facilitate tourism and additional development. These two contradictory positions cannot be reconciled. Moreover, it is clear which scenario is more likely. As we explained in our original comments,¹⁷ the idea that transportation improvements encourage growth and development in areas that were previously difficult to access is nothing new and has been carefully documented by transportation experts¹⁸ and recognized by the courts.¹⁹

The Transportation Agencies have a duty under NEPA to carefully examine alternatives to project and the impacts that will result from those alternatives. 40 C.F.R. § 1502.14. These impacts must be analyzed from a base scenario which shows what would be likely to occur if the project was not constructed. 40 C.F.R. § 1502.14 (d). If, as the FEIS states, development would be inhibited by a failure to construct the bridge, then full build-out is not a reasonable baseline from which to measure impacts and compare alternatives. Accordingly, if the Transportation Agencies wish to move forward with this project, they must prepare a supplemental EIS that is founded on a realistic “No-Build” baseline. Failure to do this infects all aspects of the EIS and renders the NEPA analysis inadequate.

¹⁴ Traffic and Revenue study at 2.

¹⁵ Id. at 11.

¹⁶ Id.

¹⁷ Stakeholder Involvement FEIS Technical Report at C7-C10.

¹⁸ See, e.g., Robert B. Noland, A Review of the Evidence for Induced Travel and Changes in Transportation and Environmental Policy in the United States and the United Kingdom, (Feb. 2001) available at <http://www.cts.cv.ic.ac.uk/documents/publications/iccts00244.pdf>; Gilles Duranton and Matthew A. Turner, The Fundamental Law of Road Congestion: Evidence from US cities, American Economic Review, American Economic Association, vol. 101(6) (Oct. 2009) (attached).

¹⁹ See, e.g., Mullin v. Skinner, 756 F. Supp. 904, 917 (E.D.N.C. 1990); City of Davis v. Coleman, 521 F.2d 661 (9th Cir. 1975); Conservation Law Found. v. Fed. Highway Admin., 630 F. Supp. 2d 183 (D.N.H. 2007); Highway J Citizens Group v. U.S. DOT, 656 F. Supp. 2d 868 (E.D. Wis. 2009); N.C. Alliance for Transp. Reform v. U.S. DOT, 151 F. Supp. 2d 661 (M.D.N.C. 2001); Sierra Club v. U.S. DOT, 962 F. Supp. 1037 (N.D. Ill. 1997).

Alternatives Analysis

In our previous comments, SELC documented substantial concerns about the purpose and need articulated for the Mid-Currituck project. These concerns remain. Like the earlier DEIS, the FEIS fails to explain how a new connection between the two sides of Currituck County addresses any existing, actual, significant need and thus gives little reason to suggest that this “purpose” justifies the enormous economic and ecological costs of the Project. Additionally, as explained in our previous comments, rather than meeting the purposes of addressing traffic congestion and hurricane evacuation times, construction of a Mid-Currituck bridge will instead exacerbate those problems by encouraging more drivers to visit the Outer Banks and therefore result in increased congestion on area roadways and an increased number of people in the path of any potential hurricane.²⁰

ER2- The Upgrade Alternative

Despite being based on an impermissibly narrow statement of purpose and need, the FEIS makes clear that a number of alternatives would satisfy the articulated statement. This includes “ER 2,” the alternative of upgrading some of the existing roads in the study area. FEIS at 2-5. Because this alternative is centered on upgrades to existing infrastructure, rather than the construction of a whole new facility in the middle of the Currituck Sound, it has substantially fewer environmental impacts. *Id.* Accordingly, as noted in their comments on the Draft EIS, the vast majority of resource agencies involved in the process expressed a preference for ER2 over other alternatives:

“EPA believes that ER2 should be designated as the environmentally preferred alternative and meets the proposed project’s purpose and need by providing the appropriate balance of impacts to the benefits and costs.”²¹ (US Environmental Protection Agency)

“ER2 costs 269.2 to 292.8 million less than the MCB4 alternative and it meets the purpose and need of the project. ER 2 also has less impact to the natural environment and its community impacts are comparable to the MCB4 alternatives”²² (U.S. Army Corps of Engineers).

“ER2 would damage less coastal habitat than any of the alternatives that require the construction of a new bridge. Alternative ER2 uses improvements to existing roads to address the purpose and need for the project rather than relying upon a new bridge over the Sound. Alternative ER2 would have the least adverse impact

²⁰Stakeholder Involvement FEIS Technical Report at C5-C6.

²¹ Stakeholder Involvement FEIS Technical Report at 2-34.

²² *Id.* at 2-2.

to EFH and other NOAA trust resources.”²³ (National Oceanic and Atmospheric Administration, National Marine Fisheries Service).

“ER2 clearly has the least impacts to fish and wildlife resources and federal trust resources.”²⁴ (Department of Interior, Office of the Solicitor).

“Of the alternatives listed the least environmentally damaging alternative is ER2 and is the NCDMF recommended alternative. ER2 will not shade important essential fish habitat.”²⁵ (North Carolina Division of Marine Fisheries)

“ER2 is the least damaging alternative to fish and wildlife resources in the project study area.”²⁶ (North Carolina Wildlife Resources Commission)

Despite the clear preference for ER2 by the resource agencies, the Turnpike Authority, driven by its focus on alternatives that it can toll, has chosen MCB4/C1 with Option A as its “preferred alternative.” The FEIS lists a number of reasons as to why it chose this alternative, but these reasons do not logically support the selection of MCB4/C1. (FEIS at 2-54 -2-56). While the FEIS predicts that the chosen alternative will result in better travel benefits than ER2, ER2 is predicted to meet the project purpose and need for this metric. By contrast, ER2 has significantly fewer environmental impacts than MCB4/C1. So long as there is a less environmentally damaging alternative that is practicable and meets the project purpose and need, it will be difficult for MCB4/C1 to receive necessary permits from federal agencies. Further, where MCB4/C1 is anticipated to result in community and neighborhood cohesion impacts, such impacts would be minor with ER2.

The factor which seemingly influences the choice of the preferred alternative most heavily, therefore, appears to be the fact that it could be financed through state gap funding and toll revenue bonds. (FEIS at 2-56). In response to agency concerns about this issues, the FEIS further asserts that, if ER2 were to be chosen, it could only be built by NCDOT and would therefore be subject to the State’s Equity Formula.²⁷ The FEIS suggests that, as the project is in the same Division as the Bonner Bridge, that project would be likely commandeer available resources and that, accordingly, ER2 would be unlikely to be constructed.²⁸

This reasoning illustrates the problematic nature of the Turnpike Authority’s involvement in transportation decisionmaking. NCDOT should not allow one specific financing mechanism to drive transportation policy, particularly when sensitive environmental resources are at stake.

²³ Id. at 2-11.

²⁴ Id. at 2-33.

²⁵ Id. at 2-60.

²⁶ Id. at 2-88.

²⁷ See, e.g., id. at 2-3, 2-37-38.

²⁸ Id.

Given North Carolina's scarce transportation resources and the fragile nature of the natural environment on the State's Outer Banks, the first question that the Transportation Agencies should consider is how to most efficiently address the transportation challenges faced in the project area with the least impact. Only then should specific financing mechanisms be considered.

NCDOT has a number of innovative ways to fund projects such as GARVEE bond programs and the State's Mobility Fund.²⁹ Further, numerous exceptions to the "Equity Formula" exist,³⁰ and NCDOT could work with the legislature to create an additional exception for this unique situation, or come up with other creative solutions. To suggest that the Transportation Agencies should pursue an alternative that is not only more environmentally destructive, but also is more expensive, just because it fits in with a decades-old, pre-conceived plan to finance the project through tolls, undermines the purpose of NEPA to carefully evaluate alternatives. A state created constraint cannot be a valid reason for violating federal law. It also runs contrary to the State's more careful approach to transportation policy that is being articulated in the crafting of North Carolina's 2040 Statewide transportation plan.³¹

Further, in addition to satisfying the NEPA, this FEIS will also be used by the Transportation Agencies to satisfy the requirements of the Clean Water Act. Yet, Section 404 has a requirement that entities pursue the "Least Environmentally Damaging Practicable Alternative." 40 C.F.R. § 230.12(a)(3). Presumably, as the preferred alternative, (MCB4C Option I), is more damaging to the environment than ER2, the transportation authorities intend to argue that ER2 is "not practicable." Indeed, the Army Corps specifically asked for information about financing stating that it would be required to determine practicability of less damaging alternatives.³² Given the fact that financing has not been secured and finalized for the preferred alternative, it would be arbitrary and capricious to suggest that one unfunded alternative is "practicable" while others are not, and to justify tremendous environmental impacts on that basis. Furthermore, even were funding for MCB4/C1 to be fully secured by the General Assembly, the annually appropriated "gap funding" required for the Bridge option will amount to more than double the cost of an upgrade alternative.

²⁹ See NCDOT Urban Loop Acceleration Plan, <http://www.ncdot.org/performance/reform/prioritization/>; North Carolina Mobility Fund, <http://www.ncdot.org/about/finance/mobilityfund/>; N.C. GEN. STAT. § 136-187-89.

³⁰ See, e.g., N.C. GEN. STAT. § 136-17.2A (exempting "federal congestion mitigation and air quality improvement program funds", "funds expended on . . . urban loop project[s]" and "funds from the federal government for the Appalachian Development Highway System" from the Equity formula.); N.C. GEN. STAT. § 136-187(b) (exempting the Mobility Fund from the Equity formula).

³¹ See generally, North Carolina Department of Transportation, Challenges and Opportunities Report *supra* note 3.

³² Stakeholder Involvement FEIS Technical Report at 2-10-11.

Ferries

The FEIS fails to give a satisfactory response as to why ferry options were not fully considered in the alternatives analysis. Rather than analyze the potential benefits of a ferry service alternative, the FEIS instead lists a number of attempted justifications as to why such an alternative should not even be considered. These justifications are not persuasive.

First, the FEIS sets forth the argument that ferry service would have to be dramatically expanded to meet the need of the Mid-Currituck Bridge.³³ Indeed, the FEIS suggests that ferry service for the entire state would need to be expanded by four times in order to meet transportation needs in the project area. However, the “need” being accounted for here is the forecasted traffic volumes for 2035, traffic volumes which were created based on the assumption that a bridge would be constructed. No examination of changes to traffic and development under a ferry alternative has been performed, and thus we cannot know what level of traffic ferries would be required to carry. Further, even were traffic volumes to expand significantly, that expansion would take place over a period of approximately twenty years. In other words, ferry services would not be quadrupled immediately, if at all, but would gently ramp up over time. One benefit of the ferry alternative is that ferry fleets may be expanded with relative ease, and therefore would be adaptable over time to increased demand.

In our comments on the Draft EIS, SELC listed a number of different ferry alternatives that have been used with success around the United States. These examples were intended to illustrate the variety of possible ways in which ferries can be added as effective transportation alternatives in a range of different geographical situations. Rather than use this list as a jumping off point to explore ferry alternatives for the Currituck Sound, however, the FEIS instead focuses on distinguishing why the specific details of each service listed is distinct from the precise geographical situation in the study area.³⁴

For example, the FEIS states that comparison with the Puget Sound ferry system is inappropriate since Puget Sound’s average depth is 450 feet, whereas the Currituck Sound’s average depth is six feet.³⁵ However, our earlier comments were not intended to suggest that NCDOT replicate the exact model used in Puget Sound with the exact same ferries, but rather to illustrate the potential success of high volume ferry services. Further, while it is true that Currituck Sound is shallow, ferries do exist that are capable of navigating in as little as five feet of water.³⁶ Additionally, suitable ferry routes might be mapped by using readily available

³³ Stakeholder Involvement FEIS Technical Report at 3-8.

³⁴ *Id.*

³⁵ *Id.*

³⁶ See *M/V SOLANO Facts & Figures* (last visited Feb. 24, 2012), <http://www.baylinkferry.com/ferry/solano-ferry-facts.php> (attached).

nautical charts and bathymetry data that indicate water depths throughout Currituck Sound.³⁷ The Knotts Island Ferry that operates in the northern Currituck Sound between Knotts Island and Currituck demonstrates the feasibility of developing suitable ferry routes.³⁸ Ferry terminals for these options could financially boost Aydlett and other mainland towns without the impacts to community cohesion, visual impairments and environmental destruction associated with construction of a new bridge.

In sum, the Transportation Agencies have failed to perform a comprehensive, up-to-date study of ferry alternatives in the FEIS. The very limited analysis of ferries that does appear remains based on a 1991 study. Reliance on such two-decades old, outdated information when new data is readily available has been held to be arbitrary and capricious.³⁹ Moving forward, the Transportation Agencies must take a hard look at all alternatives, including ferry alternatives, based on recent reliable data and information about new low-draft, high-speed, high capacity ferries, that gives a true picture of the possibilities that can be expected from ferry alternatives.

Environmental Impacts

Since publication of the DEIS, the Transportation Agencies have spent time working with resource agencies to minimize some of the direct environmental impacts that will be occasioned by construction of the bridge. We applaud these efforts, specifically the decision to bridge Maple Swamp and the commitment to construct the bridge without any dredging and with a moratorium placed on construction during fish spawning habitat. Despite these advances, the fundamental problem remains that the Transportation Agencies seem determined to pursue an alternative that will result in other devastating direct and indirect impacts to the environment. In an attempt, perhaps, to obscure this fact, the agencies have conducted a flawed study of environmental impacts that improperly minimizes the dramatic impact that building a seven-mile bridge to a barrier island will have. Not only does this insufficient analysis violate NEPA, but it also fails to fulfill the Transportation Agencies' responsibility under state law to implement the bridge in a manner that "[e]nsures the preservation of water quality in Currituck Sound" "protects the natural environment" and "[m]itigates the environmental impact of the bridge on the Currituck County mainland and the Outer Banks." N. C. GEN. STAT. § 136-89.183A(a),(d).

³⁷ See, e.g., NOAA Office of Coast Survey, *Chart 12207* (Oct. 2009), <http://www.charts.noaa.gov/OnLineViewer/12207.shtml>.

³⁸ See NCDOT, North Carolina Ferry Routes <http://www.ncdot.gov/travel/ferryroutes/#0> (last visited Feb. 24, 2012) (attached).

³⁹ See *Northern Plains Resource Council v. Tongue River Railroad*, No. 97-70037 at 30 (9th Cir. December 29, 2011).

Direct Impacts

As detailed in our previous comments,⁴⁰ construction of the Mid-Currituck Bridge will result in a number of direct impacts to the natural environment. Draining and fill of wetlands to make way for the proposed bridge will directly reduce habitat for waterfowl and their food sources. Runoff from the Bridge will pollute the waters used by waterfowl, fish and other species. Increased traffic that will accompany the Bridge will increase bird-vehicle collisions, and increased noise and visual disturbance is likely to disrupt waterfowl and potentially cause sensitive species to abandon the area. Shading from the bridge will directly impact existing areas of Submerged Aquatic Vegetation (“SAV”), and areas of potential future establishment, reducing important fish spawning habitat in the Currituck Sound. Construction may also introduce a range of invasive species into the Sound, including plants such as Phragmites which are extremely difficult to eliminate.⁴¹ The FEIS fails to include an analysis of these direct impacts that is sufficient to satisfy NEPA. Any discussion of the impacts that is included is overly general in nature and falsely minimizes the effects that these impacts will have on the sensitive resources in the project area, particularly when considered in combination.

Indirect Impacts

In addition to its inadequate analysis of direct environmental impacts, the FEIS also fails to sufficiently document indirect impacts associated with construction of the project. The Indirect and Cumulative Effects (“ICE”) analysis prepared for the FEIS is fundamentally biased by its reliance on a flawed baseline that fatally infects the analysis of indirect environmental impacts. By failing to base its analysis on a true picture of what would occur in the absence of transportation improvements, the Indirect and Cumulative Effects analysis reaches the absurd conclusion that construction of the Mid-Currituck bridge will result in a “negligible increase in permanent population”, “no reasonably foreseeable change in the demand for homes and businesses” and no reasonably foreseeable change in the type, density, rate of, or demand for, development on the Outer Banks that are made accessible by construction of the bridge.⁴² Indeed, it is clear from other documents that even the Turnpike Authority does not believe these arbitrary and capricious statements. In light of these erroneous conclusions, the analysis of environmental impacts is wrongly muted, and therefore insufficient to satisfy NEPA. 40 C.F.R. § 1502.16.

⁴⁰ Stakeholder Involvement FEIS Technical Report at C7-C-11.

⁴¹ Stakeholder Involvement FEIS Technical Report at 2-42.

⁴² NCDOT, Mid-Currituck Bridge Study, Indirect and Cumulative Effects Technical Report, (Nov. 2011) [hereinafter ICE Report] at xxii-xxiv.

Not only does the conclusion that construction of the Bridge would result in almost no induced environmental impacts defy common sense, but documents obtained through the North Carolina Public Records Act make it appear that the Turnpike Authority knew that its chosen “baseline” was flawed and that it would serve to underestimate the potential effects of the bridge.

The ICE study was ostensibly developed with the purpose of underestimating the environmental impact of the proposed Bridge. During initial discussions the consultant charged with analyzing the indirect and cumulative impacts from the project was cautioned to avoid using “loaded” words in his report.⁴³ Specifically, where the consultant had termed the bridge a “significant intervention” in an important natural area, he was warned to speak of the bridge as an intervention only “to the extent that it will support development that is already occurring in the County and make it easier for the county to provide public services.”⁴⁴ This interference in the consultant’s work came before the ICE analysis had even been started.⁴⁵ Thus, the conclusion that the bridge would not, in fact, itself induce growth was apparently provided to the consultant before the study began.

Additionally, in comments to the ICE study, a NCDOT employee noted that “[i]t can be argued that the higher percentages of build-out . . . are the induced changes of the study alternatives.”⁴⁶ Despite the recognition of the logical conclusion that higher growth percentages only found with construction of the Bridge should be attributable to the Bridge, no such conclusions have been adopted in the ICE study, or, indeed, anywhere else in the EIS.

In places, the ICE study does acknowledge that there will be some change in development patterns attributable to the preferred build alternative. For example, the study acknowledges that construction of the bridge would result in a potential increase in day trips, including in the “non-road, four-wheel drive accessible area.” Further, the study suggests that there would be a net gain in service-oriented businesses on Currituck County mainland. However, here again the FEIS is lacking; while some of this potential change in development is admitted, the environmental impacts associated with such growth is in no way analyzed.

In sum, the ICE study first minimizes artificially environmental impacts by basing its calculations on a flawed baseline. Then, for the environmental impacts it does acknowledge that the study spends substantial time documenting and cataloguing the existing conditions in the study area, while never taking the additional required step of analyzing how those conditions will be changed by the construction of the bridge. Both failures render the analysis inadequate

⁴³ Exhibit 1, E-mail from John Page to Dan Marcucci and Jennifer Harris (Oct. 12, 2007).

⁴⁴ Exhibit 2, Comments from John Page on Draft Abstract, Dan Marcucci, Environmental Planning in the Vise between Urban and Coastal Sprawl: Sound Planning in Currituck County, NC (Oct. 2007).

⁴⁵ *Id.*

⁴⁶ Exhibit 3, ICE Technical Report Draft, May 20, 2011 at 6-5 (comment by Herman Huang, NCDOT-HEU).

and any decision to authorize the Bridge based upon will necessarily lack a reasoned basis, rendering it arbitrary and capricious.

Some specific examples of how this flawed analysis impacted the analysis of environmental impacts follow:

Dunes

The analysis of dunes on the Outer Banks in the ICE study provides an example of this doubly flawed analysis. First, the ICE provides a confusing statement about how much dune disturbance may result from the bridge. The ICE attempts to explain that “[t]here is no reasonably foreseeable induced development on the Outer Banks,” however, at the same time, the study acknowledges that the absence of a bridge may result in a scenario where “development is constrained because of traffic congestion” and that such a scenario would result in “less land disturbance in the dunes.”⁴⁷ This seemingly contradictory statement fails to explain exactly how much development is attributable to the road, and what impact that development might have on dunes.

The ICE study does acknowledge that “the dune system could potentially be impacted by increased day visitors.” However, nowhere in the document does it analyze what these impacts would be. Rather, the ICE study briefly documents how impacts to the dunes could be mitigated. (ICE 6-7). This is not sufficient information to satisfy NEPA. One of the key purposes of an EIS is to document and analyze the environmental consequences of an action. 40 C.F.R. § 1500.1(c). As recently explained by a federal appellate court,

such mitigation measures, while necessary, are not alone sufficient to meet the Board’s NEPA obligations to determine the projected extent of the environmental harm to enumerated resources before a project is approved. Mitigation measures may help alleviate impact after construction, but do not help to evaluate and understand the impact before construction.

Northern Plains Resource Council v. Tongue River Railroad, No. 97-70037 at 28 (9th Cir. December 29, 2011).

Under NEPA then, the Transportation Agencies have a responsibility to first clearly explain exactly what indirect impacts to the dune system are attributable to the construction from both increased day trips and induced development. 40 C.F.R. § 1502.16(b). The discussion should include a detailed analysis of how severe the degradation of dunes will be, the potential loss of vegetation, wildlife habitat, nesting

⁴⁷ ICE Report at 6-7.

grounds and all other associated impacts. This analysis must be based on a true “No Build” baseline, in which development may be constrained. 40 C.F.R. § 1502.14(d). Once the amount of impact has been determined the EIS must carefully document these impacts, and how they would present in the absence of mitigation. *Northern Plains Resource Council* 97-70037 at 28.

Stormwater

The ICE study similarly fails to fully analyze the indirect impacts caused by increased stormwater run off that will be occasioned by the project. Much like its analysis of dunes, the study first fails to acknowledge the full extent to which stormwater run off will result from the induced development associated with the project.⁴⁸

The ICE study admits that 68 acres of impervious surfaces will be added to the Currituck mainland as a result of construction, but does nothing to analyze what impact associated increased run off will have on Maple Swamp and Great Swamp.⁴⁹ Rather, the ICE study simply catalogues the laws which govern runoff.⁵⁰ A similar approach is taken for stormwater concerns on the Outer Banks- the laws governing run off are listed and ways that run-off may potentially be mitigated are given.⁵¹ This analysis is not sufficient to satisfy NEPA, the purpose of which is to analyze the environmental impacts that will be occasioned by a project. 40 C.F.R. § 1502.16(b). Such an analysis has not been performed, and the EIS is therefore rendered inadequate.

To the extent the impacts of stormwater are mentioned anywhere else in the ICE study, the mention is brief, dismissive and without analysis. For example, the analysis of coastal marshes states that there would be no indirect effect” to Coastal Marshes, “except to the extent that degraded runoff from sound side lots might affect these marshes.”⁵² No analysis as to how stormwater may indeed impact the marshes is given. Indeed, no detailed recognition is given to the many impacts that will be occasioned by increased stormwater run-off which could lead to substantial degradation of water quality,⁵³ including increased turbidity, siltation and sedimentation in aquatic habitat areas.⁵⁴ Nor is there any analysis of the impact such degradation would have on waterfowl, Submerged Aquatic Vegetation and other important fish habitat. As noted above, this limited analysis fails to demonstrate how the Transportation Agencies intend to

⁴⁸ ICE Report at 6-7-68, 6-24.

⁴⁹ ICE Report at 6-7.

⁵⁰ ICE Report at 6-7- 6-8.

⁵¹ ICE Report at 6-8.

⁵² ICE Report at 6-9.

⁵³ Stakeholder Involvement FEIS Technical Report at 2-17-2-18

⁵⁴ *Id.* at 2-40.

comply with the state law to guarantee that the bridge is constructed in a manner that “[e]nsures the preservation of water quality in Currituck Sound” N. C. GEN. STAT. § 136-89.183A (d).

Beach Driving

The ICE analysis of the impacts associated with beach driving is again confusing and inadequate. On the one hand, the ICE study appears to suggest that construction of the Mid-Currituck Bridge would have very little effect on increased beach driving in the northern Outer Banks.⁵⁵ However, elsewhere the ICE study suggests that “[i]ncreased beach driving because of induced additional day visitors could exacerbate” the degradation of breeding, migrating and wintering habitat for shorebirds and sea turtles, including several protected species listed as threatened or endangered under the federal Endangered Species Act.⁵⁶ The extent to which construction of the project will in fact induce additional beach driving is unclear. This inadequacy in the analysis is further exacerbated by the fact that the Transportation Agencies have failed to analyze the current rate of beach driving in the study area.⁵⁷ Furthermore, where the ICE study does acknowledge some increased beach driving it fails to adequately document the resultant impacts to the environment, discussing the issues at a very general level rather than specifically delving into what increase driving could mean for populations of migrating and nesting shorebirds, turtle nests and wild horses.⁵⁸ As much of the additional beach driving will occur on environmentally important lands including Currituck National Wildlife Refuge, Pine Island Audubon Sanctuary, Nature Conservancy land, and other Natural Heritage Areas, it is particularly important that a thorough analysis of potential impacts appear in the EIS.

Public involvement

One of the primary purposes of NEPA is to present a detailed picture of environmental impacts to the public and engage them in the decisionmaking process. 40 C.F.R. § 1500.1(b); 49 C.F.R. 520.25; 26. Accordingly, the EIS process is used to solicit public input to help foster more informed decision-making. Unfortunately, the Transportation Agencies are not uniform in their concern for public input. For example, while the Transportation Agencies have gone out their way to elicit public support to eliminate an environmentally preferable alternative for another toll project, the South-East Extension,⁵⁹ they have been far less responsive to public input on the proposed Garden Parkway and this project, the Mid-Currituck Bridge, where the position of the public runs counter to the agency’s own goals.

⁵⁵ ICE Report at 6-10

⁵⁶ *Id.*

⁵⁷ ICE Report at 4-18-4-19; *see also* Exhibit 4, comment from John Page, April 18, 2011 “nobody knows how much beach driving there is today, making it more difficult to know how much more that might occur.”

⁵⁸ ICE Report at 6-10.

⁵⁹ *See, e.g.*, Exhibit 5 Shirley Hayes, With red route gone, what’s next for I-540 expressway extension?, Garner News, March 29, 2011.


One of the most striking examples of this ambivalence to public engagement for the Mid-Currituck Bridge was the holding of a closed-door stakeholder meeting about the design of the bridge.⁶⁰ The meeting, which was intended to engage participants in "idea gathering," was not advertised to the public and did not include any of the stakeholders who are opposed to the project. Indeed, despite the fact that there is a well organized, vocal group of local residents in Aydlett and nearby towns who oppose the project, the group has not been recognized during the EIS process or any aspect of the project development, and was not included in that stakeholder meeting.

Conclusion

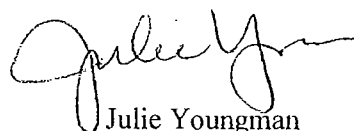
The FEIS fails to provide the basis needed for a rational appraisal of this project's impacts, benefits, or alternatives. In light of financial uncertainty surrounding this project, the overwhelming public opposition, and the flawed and insufficient EIS, we urge the Transportation Agencies to reconsider the project, and give serious consideration to an upgrade alternative and issue a Supplemental EIS that addresses the issues raised by these comments, our earlier comments and the comments of others.

Thank you for your consideration,

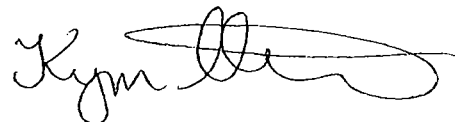
Sincerely,



J. David Farren
Senior Attorney



Julie Youngman
Senior Attorney



Kym Hunter
Associate Attorney

⁶⁰ Exhibit 6, Cindy Beamon, Bridge 'idea-gathering' meeting not advertised to public, Daily Advance, Sept. 18, 2011.

Ms. Jennifer Harris

March 12, 2012

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cc: Tim Gestwicki, Executive Director, North Carolina Wildlife Federation
Sam Pearsall, SE Regional Manager for Land Water & Wildlife, Environmental Defense Fund
Brent Martin, Program Director, Southeast Region, The Wilderness Society
Tom Cors, Government Relations Representative, The Nature Conservancy
John F. Sullivan, FHWA
Secretary Gene Conti, NCDOT
Chris Millitscher, USEPA
Bill Biddlecome, USACE
Scott McLendon, USACE
Gary Jordan, USFWS
Ron Sechler, NMFS
Cathy Brittingham, NCDCM
Stephen Lane, NCDCM
Kevin Hart, NCDMF
Amy Simes, NCDENR
Travis Wilson, NCWRC
David Wainwright, NCDWQ
Brian Wrenn, NCDWQ
Angie Rodgers, NCNHP



COUNTY OF DARE

Office of the Board of Commissioners
P.O. Box 1000, Manteo, North Carolina 27954

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Vice-Chairman

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Gary Gross
Clerk to the Board

Robert L. Outten
County Manager/Attorney

October 2, 2012

To: Joint Legislative Transportation Oversight Committee

From: Warren Judge, Chairman Dare County Board of Commissioners

Re: Support of the Mid-Currituck Bridge

I am writing to express the continued support of the Dare County Board of Commissioners for the construction of the Mid-Currituck Bridge.

Building the Mid-Currituck Bridge would play a central role in expanding the tourism economy in northeastern North Carolina. It would also accelerate and expand the entire tourism industry in the state of North Carolina.

Tourism is the economic engine of North Carolina's Outer Banks counties. In 2011, tourism in Currituck and Dare counties accounted for almost \$1 Billion in economic impact, 12,640 jobs (paying \$198 Million in local salaries), and \$95.6 million in State and Local taxes. Tourism spending throughout North Carolina hit a record \$18 billion; tax receipts from visitor spending eclipsed \$1 billion for the first time ever. Meanwhile, the industry accounted for 187,900 jobs in 2011, translating into \$4 billion in salaries to North Carolinians.

Sustainable tourism relies heavily on a strong infrastructure to thrive and grow. This is why the ability of our roads and highways on the Outer Banks to safely and efficiently carry passengers to their destination is of paramount importance. Of the 7.5 million Outer Banks visitors, an estimated 75% arrive from the north via I-64 and Hampton Roads. Most visitors arrive Friday thru Sunday, the primary check-in days for beach cottages.

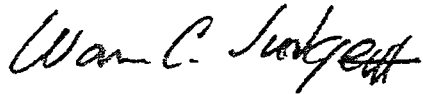
The current highways in Currituck and Dare Counties fail to meet this demand. Weekend congestion causes consistent traffic backups of two hours or more on both US 158 and NC 12. These massive delays are an inconvenience for visitors and, most alarmingly, for residents, local employees, first responders and busy law enforcement officers. The situation results in both short and long-term damage to the Outer Banks region and our state's tourism industry - especially as we compete with alternative vacation destinations to both the north and south.

Construction of the Mid-Currituck Bridge will have a badly needed immediate economic impact through the creation of thousands of jobs during the construction phase. Long term the bridge will provide opportunities for further development on the mainland of Currituck County creating economic growth for the county.

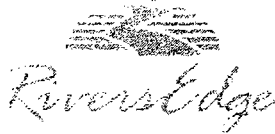
Of vital importance is the role that the Mid-Currituck Bridge would serve as an evacuation route. In the event of a hurricane, the bridge will facilitate the timely, safe, and efficient evacuation of both residents and visitors. The Mid-Currituck Bridge will serve as an alternative evacuation route and provide an invaluable transportation lifeline from the northern Outer Banks. As a matter of public safety and necessity, the bridge is worthy of immediate consideration.

The Mid-Currituck Bridge has been in the planning stage for more than twenty years. Its financial feasibility is sound. Much has been accomplished: \$18 million dollars has already been invested in the project. I urge you to not delay this project any further, just as a Record of Decision and commercial closing are within grasp.

Thank you for the opportunity to comment.

A handwritten signature in black ink, reading "Warren C. Judge". The signature is written in a cursive, flowing style.

Warren C. Judge, Chairman
Dare County Board of Commissioners



To: Members of the Joint Legislative Transportation Oversight Committee
From: RiversEdge Homeowners Association
Date: October 1, 2012
Subject: Mid-Currituck Bridge Public Comment

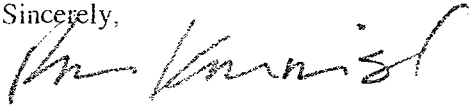
As President of the Board of Directors of the RiversEdge Homeowner's Association, I represent nearly 300 homeowners in our Currituck County community. We want to go on record as being in favor of having the mid-county bridge built. We believe it is important to the continued growth and well-being of our community for the following reasons:

- (1) It will help alleviate vehicular congestion on NC 168 from Memorial to Labor Day. Those of us who live on mainland Currituck avoid the Outer Banks' beaches during the peak season because of bumper-to-bumper traffic and frequent bottlenecks. Even getting to the grocery store, hardware store or shops in Moyock on weekends is difficult because of the heavy traffic.
- (2) The bridge would provide an alternative way to evacuate the barrier islands during emergencies and hurricanes.
- (3) Emergency vehicles responding to local residents have to navigate through intense traffic conditions. An alternate route would reduce response time and allow ambulances and firetrucks to reach residents more quickly.
- (4) If traffic flow improves and travelers don't waste a lot of time sitting in traffic on NC 168, both local residents and day-trippers from Hampton Roads can visit the shops and restaurants in Currituck and Dare counties more frequently. This encourages tourism and stimulates the local economy.
- (5) Friends and family who visit those of us living in Currituck have to avoid traveling during the peak hours when traffic backs up so badly at the toll plaza and in Moyock. This congestion would lessen considerably if there were two different roadways that access the Outer Banks from Currituck.
- (6) Infrastructures age, including the Wright Memorial Bridge. If an accident or a structure failure were to occur on the bridge that would cause it to be shut down, the only exit for people on the Currituck beaches and for those in Dare County is through Manns Harbor. Therefore, it is logical to assume that, one day, an alternate bridge to connect the mainland and the beaches of Currituck County will have to be built in order to provide another exit point. So why wait? Currituck Development Corp. is ready and willing to build, operate and maintain the bridge for 50+ years. This might not be an option in the future. Should the state of North Carolina withdraw from the agreement at this point, it could lose millions of dollars that would be wasted.

- (7) For people who live on mainland Currituck and work at businesses in Duck, Corolla, Carova and in the Southern Shores area, a mid-county bridge would make it easier and safer for them to commute between their jobs and homes.

For the benefit of all of us living in Currituck County, please continue with plans to build the mid-county bridge.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Kominsky". The signature is fluid and cursive, with the first name "Ron" being more prominent than the last name "Kominsky".

Ron Kominsky
President , Board of Directors
RiversEdge HOA

Joseph Shelhorse
8904 Footstep Court
Annandale, VA 22003

October 1st 2012

Senator Kathy Harrington
NC Senate
16 West Jones Street, Room 2113
Raleigh, NC 27601-2808
harringtonla@ncleg.net

Dear Senator Harrington,

I am writing to the Joint Legislative Transportation Oversight Committee and key legislators to express my continued support for the construction of the Mid-Currituck Bridge.

Transportation and Infrastructure spending has always received bi-partisan support because the investments are so critical for expanding and growing the economy, building this bridge is no different. I have sat in hours and hours of traffic congestion, observed miles and miles of backed traffic congestion and have heard first hand from the aggravated tourists that they love coming to the area but, are unable to return next year because of the horrific traffic congestion and broken promises to build the bridge. Growth and expanding tax revenue have hit their saturation point because of the transportation network now restricts further economic growth.

Building the bridge will alleviate traffic congestion, shorten travel times and allow tourists and locals to reach their destinations faster and will help the entire country as a whole reach energy independence from overseas oil producing countries that support terrorism against our nation and troops by shrinking the oil dollars we provide to them because we are saving energy and exporting less American dollars.

Tourism is the economic engine of North Carolina's Outer Banks counties. In 2011, tourism in Currituck and Dare counties accounted for almost \$1 billion in economic impact, 12,640 jobs (paying \$198 million in local salaries), and \$95.6 million in State and local taxes. Tourism spending throughout North Carolina hit a record \$18 billion; tax receipts from visitor spending eclipsed \$1 billion for the first time ever. Meanwhile, the industry accounted for 187,900 jobs in 2011, translating into \$4 billion in salaries to North Carolinians.

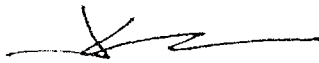
Building the Mid-Currituck Bridge will play a central role in expanding the regional economy. The tourism industry relies heavily on strong infrastructure to thrive and grow. This is why the ability of our transportation system on the Outer Banks to safely and efficiently carry passengers to their destination is of paramount importance. Of the 7.5 million Outer Banks visitors, an estimated 75% arrive from the north via I-64 and Hampton Roads. I am sure that you have looked at a map of the area and have observed that the most direct route to the Currituck Outer Banks is NOT driving through mainland Currituck to Dare County and then back-tracking down NC 12 to reach the Currituck Outer Banks. This adds many unnecessary miles and hours to the trip. You have also observed that the location for the bridge permits much better access to the Currituck Outer Banks for tourists, local employees, first responders and law enforcement.

Most visitors arrive Friday through Sunday, the primary check-in days for beach cottages. Weekend congestion causes consistent traffic backups of two hours or more on both US 158 and NC 12. These massive delays are an inconvenience for visitors and, most alarmingly, for residents, local employees, first responders and law enforcement. The situation results in both short and long-term damage to the Outer Banks region and our State's tourism industry, especially as we compete with alternative vacation destinations to both the north and the south.

Construction of the Mid-Currituck Bridge will have an immediate economic impact through the creation of thousands of jobs during the construction phase. Long term, the bridge will provide opportunities for economic growth on the mainland of Currituck County. Most importantly, the bridge will relieve congestion for tourists making the entire Outer Banks a more convenient vacation destination, while addressing growing public safety concerns. The bridge will provide a needed alternative route for hurricane evacuation from the Outer Banks.

The Mid-Currituck Bridge has been in the planning stages for more than twenty years. Its financial feasibility is sound. Much has been accomplished: \$18 million has been invested in this important project. I urge you not to delay this project any further, just as a Record of Decision and commercial closing are within grasp. The citizens of Currituck and Dare counties and Outer Banks tourists are relying on you to support construction of this bridge.

Thank you for the opportunity to comment.

A handwritten signature in black ink, appearing to read 'Joseph Shelhorse', with a stylized, sweeping flourish extending to the right.

Joseph Shelhorse



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

www.southernshores-nc.gov

Resolution 2012-10-03

Whereas the Town of Southern Shores in Dare County is bisected by North Carolina Highway 12 which is the only route currently available for motor vehicles traveling to and from the Currituck County Outer Banks; and


Whereas the Town of Southern Shores (as evidenced by the attached resolutions previously adopted) has continued to support the efforts of the State of North Carolina, particularly the North Carolina General Assembly, the North Carolina Department of Transportation, and the North Carolina Turnpike Authority, to plan, fund, and construct a motor vehicle bridge over the Currituck Sound from mainland Currituck County to the Currituck County Outer Banks; and

Whereas the existence of a vehicle bridge over the Currituck Sound connecting the Currituck County Outer Banks to the Currituck County mainland will provide a safer route for transiting motor vehicle traffic and a more efficient route for motor vehicles providing services to citizens and emergency evacuations from the Currituck County Outer Banks;

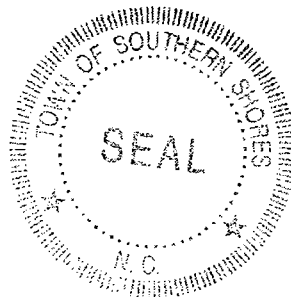
Now Therefore be it resolved that as a communication to the Joint Legislative Transportation Oversight Committee of the North Carolina General Assembly, the Town of Southern Shores, by and through its Town Council duly elected by its citizens, does respectfully urge the legislative members of the Joint Legislative Transportation Oversight Committee in making findings and recommendations to the House and Senate of the 2013 General Assembly to recommend continued funding of gap fund appropriations necessary for the Mid-Currituck Bridge Project and continued support of all other resources necessary for the completion of this project.

This the 2nd day of October, 2012.


Mayor


Attest: Town Clerk

(Seal)



Town of Southern Shores
5375 N. Virginia Dare Trail, Southern Shores, NC 27949
Phone 252-261-2394 / Fax 252-255-0876
www.southernshores-nc.gov

Resolution 2011-04-03

**TOWN OF SOUTHERN SHORES RESOLUTION
SUPPORTING GAP FUNDING FOR THE
MID-CURRITUCK BRIDGE**

WHEREAS, the Town of Southern Shores recognizes that a bridge across the Currituck Sound from the mainland of Currituck County to Corolla is vitally important to the economic growth and general well being of the State of North Carolina by providing an undeniably better, safer access for residents, vacationers and business travelers to the Northern Outer Banks; and,

WHEREAS, the Town of Southern Shores has and does support efforts to protect the State's natural and cultural resources while moving forward with the construction of the Mid-Currituck Bridge in an expeditious manner; and,

WHEREAS, the last two State of North Carolina budgets authorized and implemented "Gap Funding" in support of the Mid-Currituck Bridge through the NC Department of Transportation funding without which the project's feasibility would be in serious peril and cause immediate delays; and,

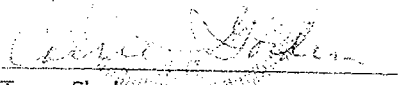
WHEREAS, any reallocation of the necessary "Gap Funding" for the Mid-Currituck Bridge, would delay progress on this most critical public safety and economic development infrastructure project for one of North Carolina's most prized tourist destinations.

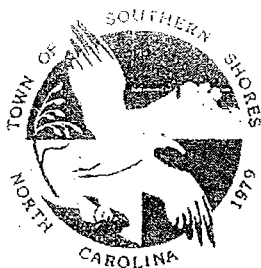
NOW, THEREFORE, BE IT RESOLVED THAT the Town Council of the Town of Southern Shores, NC respectfully requests the North Carolina General Assembly to continue with the appropriation of necessary "Gap Funding" for the Mid-Currituck Bridge which has been authorized and included in the last two North Carolina Budgets.

ADOPTED this the 5th day of April, 2011


MAYOR

ATTEST:


Town Clerk



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

Resolution 2010-05-01

A RESOLUTION OF THE SOUTHERN SHORES TOWN COUNCIL APPROVING THE NORTH CAROLINA TURNPIKE AUTHORITY DRAFT ENVIRONMENTAL STUDY ALTERNATIVE MCB4 AS THE ONLY ALTERNATIVE FOR CONSTRUCTION OF THE MID-CURRITUCK BRIDGE ACCEPTABLE TO THE TOWN OF SOUTHERN SHORES AND REJECTING ANY FUTURE IMPLEMENTATION OF ALTERNATIVE MCB2'S FUTURE PLAN FOR ADDRESSING STORM WATER ISSUES ON NC 12 IN SOUTHERN SHORES

WHEREAS, the Town of Southern Shores is a quiet, residential community maintaining a commitment to preserve the unique natural environment, and

WHEREAS, the North Carolina Turnpike Authority (NCTA) Mid-Currituck Bridge Study Draft Environmental Impact Statement (DEIS) of March 2010 proposes as the recommended alternative for construction of the Mid-Currituck Bridge to be Alternative MCB4, and

WHEREAS, this Alternative MCB4 does not recommend any alterations to NC 12 through the Town of Southern Shores,

NOW THEREFORE, BE IT RESOLVED that the Southern Shores Town Council is in total support of Alternative MCB4 as the only acceptable bridge construction alternative; and

BE IT FURTHER RESOLVED that the Southern Shores Town Council recognizes that NC 12 storm water drainage problems need to be addressed, but the Southern Shores Town Council opposes the plan proposed in Alternative MCB2 as a future means for remediating the storm water drainage issues, and

BE IT FURTHER RESOLVED that the Southern Shores Town Council will work with the North Carolina Department of Transportation (NCDOT) to develop an acceptable means of addressing storm water drainage on NC 12.

Adopted this 12th day of May 2010.



Town Clerk

 Mayor

Resolution #2008-07-01

**RESOLUTION OF THE SOUTHERN SHORES TOWN COUNCIL IN SUPPORT OF A
MID-CURRITUCK BRIDGE AND OPPOSITION TO WIDENING NC 12**

Whereas, the Town of Southern Shores has long supported the construction of the Mid-Currituck Sound Bridge; and,

Whereas, the Mid-Currituck Sound Bridge was originally one of the projects that was to be funded wholly or in part by a toll used to pay for construction expenses of the Bridge and to later maintain the Bridge; and,

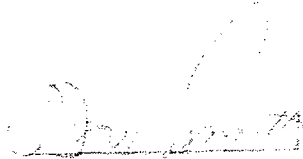
Whereas, the traffic congestion in Currituck and Dare counties caused by the lack of a Bridge is severely damaging the quality of life for communities in both counties; and,

Whereas, construction of a Mid-Currituck Bridge would most significantly lessen this traffic in the above mentioned counties, save energy resources consumed by traffic gridlock, and provide an alternative route for both safety and hurricane evacuation;


Now, Therefore, **Be it Resolved**, the Southern Shores Town Council supports construction of the Mid-Currituck Sound Bridge and supports financing of the Bridge through imposition of a toll

Be it Further Resolved, that the Southern Shores Town Council is strongly opposed to widening of NC 12 through the Town of Southern Shores because it would destroy both the environment and character of our town

Approved this 4th day of March 2008.


Don Smith, Mayor

ATTEST:


Carrie Gordin, Town Clerk



Town of Southern Shores

Resolution No. 2002-09-03

WHEREAS, the Town of Southern Shores, North Carolina, is a member of the

North Carolina Coastal Federation, and

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WHEREAS, the Town of Southern Shores, North Carolina, is a member of the North Carolina Coastal Federation, and

Witnessed this the 3rd day of September 2002.

Town Clerk

[Signature]
TOWN CLERK

[Signature]
Mayor

Resolution 00.04-08

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHERN SHORES IN SUPPORT OF A MID-CURRITUCK SOUND BRIDGE

WHEREAS, the construction of a Mid-Currituck Sound Bridge between Mainland Currituck County and the Northern Outer Banks has been studied and discussed for many years as to need, an appropriateness, and

WITH RESPECT to the increasing pace of construction and the increasing density of development on the northern end of the Outer Banks in Currituck County, necessitating the need for such a northern bridge connection to the mainland, and

WHEREAS, the aforementioned residential construction stimulates resources as it bridges an ever increasing tide of Northern Outer Banks traffic through Dare County to and from the Wright Memorial Bridge crossing, and

WHEREAS, the lack of a northern bridge connection to the mainland severely hampers the ability of Currituck County to provide various types of emergency and educational services in a timely and cost effective manner; and

WHEREAS, the only emergency evacuation route from the beaches of Currituck County is NC Route 12 which not only poses a serious safety problem for the residents and vacationers in that area but is also a complicating factor in an emergency evacuation of Dare County and the affected Towns in Dare County, and

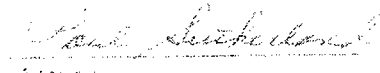
WHEREAS, previously ordered evacuations have caused delays of up to four (4) hours to depart the northern beaches of Currituck County because there is only one way out

NOW, THEREFORE BE IT RESOLVED THAT, the Town Council of the Town of Southern Shores strongly urges the State of North Carolina, through the Department of Transportation, to move forward as rapidly as possible and with high priority, for the planning and construction of a Mid-Currituck Sound Bridge from Mainland Currituck County to the Northern Outer Banks

Adopted this 4th day of April 2000

ATTEST:


Town Clerk


Mayor